THE NOÉ EDITION

תלמוד בבלי

KOREN TALMUD BAVLI

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AVODA ZARA
HORAYOT

COMMENTARY BY
RABBI ADIN
EVEN-ISRAEL
STEINSALTZ

THE NOÉ EDITION

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Koren Talmud Bavli
THE NOÉ EDITION

AVODA ZARA · HORAYOT

Steinsaltz
Center

KOREN

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KOREN TALMUD BAVLI

THE NOÉ EDITION

עבודה זרה · הוריות

AVODA ZARA · HORAYOT

COMMENTARY BY

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הִנֵּה יָמִים בָּאִים, נְאֻם אֲדֹנָי יֱהוִה, וְהִשְׁלַחְתִּי רָעָב בָּאָרֶץ,
לֹא־רָעָב לַלֶּחֶם וְלֹא־צָמָא לַמַּיִם, כִּי אִם־לִשְׁמֹעַ אֵת דִּבְרֵי יהוה.

Behold, days are coming – says the LORD God –
I will send a hunger to the land, not a hunger for bread
nor a thirst for water, but to hear the words of the LORD.

(AMOS 8:11)

The Noé edition of the Koren Talmud Bavli
with the commentary of Rabbi Adin Even-Israel Steinsaltz
is dedicated to all those who open its cover
to quench their thirst for Jewish knowledge,
in our generation of Torah renaissance.

This beautiful edition is for the young, the aged,
the novice and the savant alike,
as it unites the depth of Torah knowledge
with the best of academic scholarship.

Within its exquisite and vibrant pages,
words become worlds.

It will claim its place in the library of classics,
in the bookcases of the Beit Midrash,
the classrooms of our schools,
and in the offices of professionals and businesspeople
who carve out precious time to grapple with its timeless wisdom.

For the Student and the Scholar

DEDICATED BY LEO AND SUE NOÉ

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Once upon a time, under pressure of censorship,
printers would inscribe in the flyleaves
of volumes of the Talmud:

Whatever may be written herein about gentiles
does not refer to the gentiles of today,
but to gentiles of times past.

Today, the flyleaves of our books bear a similar inscription,
albeit an invisible one:

Whatever may be written herein about Jews
does not refer to the Jews of today,
but to Jews who lived in other times.

So we are able to sit down and study Torah, Talmud,
books of ethics, or books of faith
without considering their relevance to our lives.

Whatever is written there
does not apply to us or to our generation,
but only to other people, other times.

We must expunge from those invisible prologues
the notion that the words are written about someone else,
about others, about anyone but us.

Whether the book is a volume of Torah,
a tractate of the Talmud, or a tract of faith,
the opposite must be inscribed:

Whatever is written herein refers only to me;
is written for me and obligates me.

First and foremost, the content is addressed to me.

— From a public address by Rabbi Adin Even-Israel Steinsaltz
as quoted in חיי עולם (*Talks on Parashat HaShavua*)
Maggid Books, 2011

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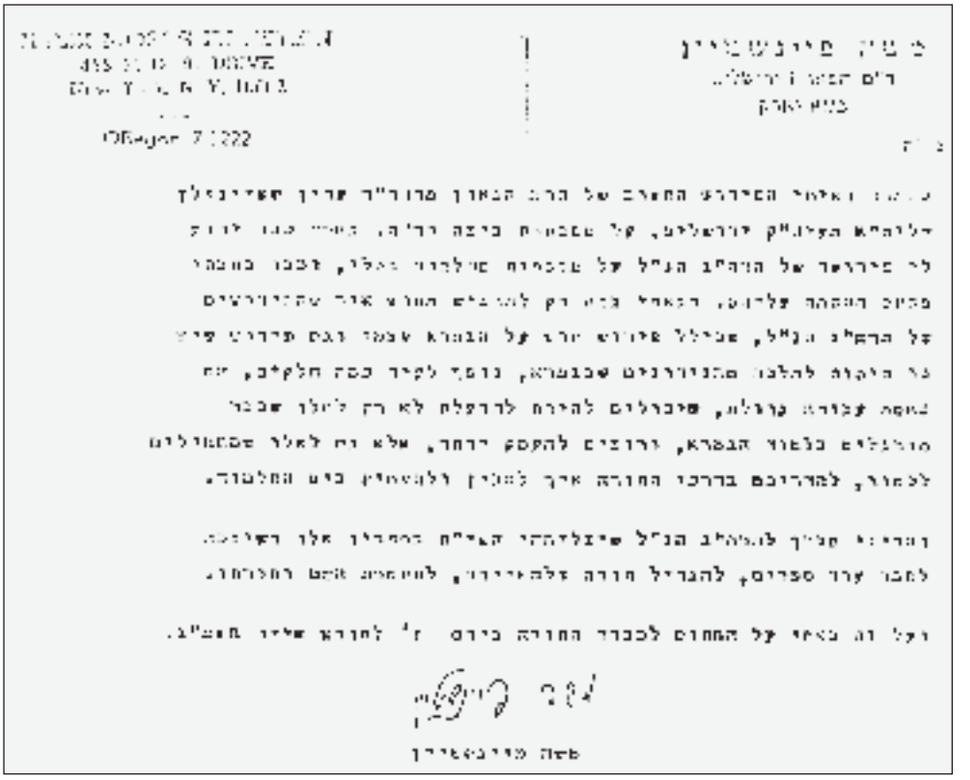
Haskama

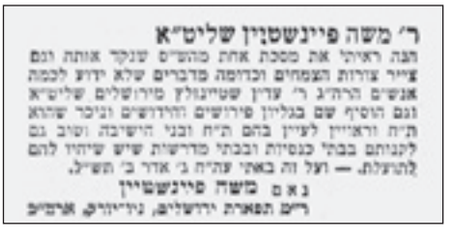
Rabbi Moshe Feinstein



…These new commentaries – which include a new interpretation of the Talmud, a halakhic summary of the debated issues, and various other sections – are a truly outstanding work; they can be of great benefit not only to those familiar with talmudic study who seek to deepen their understanding, but also to those who are just beginning to learn, guiding them through the pathways of the Torah and teaching them how to delve into the sea of the Talmud.

I would like to offer my blessing to this learned scholar. May the Holy One grant him success with these volumes and may he merit to write many more, to enhance the greatness of Torah, and bring glory to God and His word…

Rabbi Moshe Feinstein
New York, 7 Adar 5743



ר' משה פיינשטיין שליט"א
הנה ראיתי את מסכת אחת מהש"ס שנקד אותה וגם צייר צורות הצמחים וכדומה מדברים שלא ידוע לכמה אנשים הרחיב ר' עדין שטיינזלץ מירושלים שליט"א וגם הוסיף שם בגליון פירושים החדושים וניכר שהוא ת"ח וראויין לעיין בהם ת"ת ובני הישיבה ושוב גם לקנותם בבתי כנסיות ובבתי מדרשות שיש שיהיו להם להועלת. — ועל זה באתי עה"ח ג' אדר ב' תשי"ל.
נאום משה פיינשטיין
ראש הסאות ירושלים, ניו־יורק, אמריקא

I have seen one tractate from the Talmud to which the great scholar Rabbi Adin Steinsaltz שליט"א has added *nikkud* (vowels) and illustrations to explain that which is unknown to many people; he has also added interpretations and innovations, and is evidently a *talmid ḥakham*. *Talmidei ḥakhamim* and yeshiva students ought to study these volumes, and synagogues and *batei midrash* would do well to purchase them, as they may find them useful.

Rabbi Moshe Feinstein
New York, Adar 5730

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…I have just had the pleasant surprise of receiving tractate *Shabbat* (part one), which has been published by [Rabbi Steinsaltz] along with his explanations, etc. Happy is the man who sees good fruits from his labors. May he continue in this path and increase light, for in the matters of holiness there is always room to add – and we have been commanded to add – for they are linked to the Holy One, Blessed be He, Who is infinite. And may the Holy One grant him success to improve and enhance this work, since the greater good strengthens his hand…

Rabbi Menachem Mendel Schneerson
The Lubavitcher Rebbe
Brooklyn, 5 Marḥeshvan 5729

Haskama
Rabbi Menachem Mendel Schneerson

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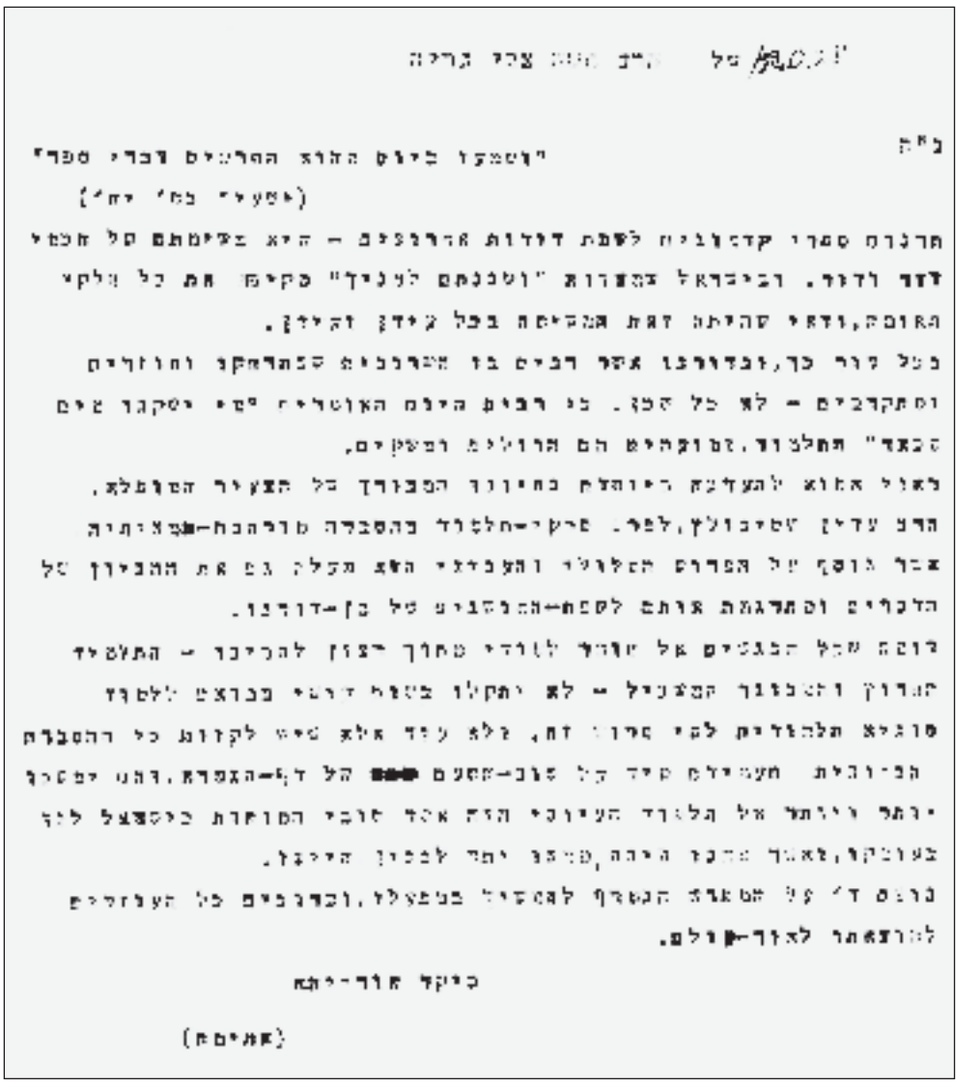
Haskama

Rabbi Moshe Zvi Neria



The translation of the books of our past into the language of the present – this was the task of the sages of every generation. And in Israel, where the command to "teach them repeatedly to your children" applies to all parts of the nation, it was certainly the task of every era. This is true for every generation, and in our time – when many of those who have strayed far are once again drawing near – all the more so. For many today say, "Who will let us drink from the well" of Talmud, and few are those who offer up the waters to drink.

We must, therefore, particularly commend the blessed endeavor of Rabbi Adin Steinsaltz to explain the chapters of the Talmud in this extensive yet succinct commentary, which, in addition to its literal interpretation of the text, also explicates the latter's underlying logic and translates it into the language of our generation.

It appears that all those who seek to study Talmud – the diligent student and the learned adult – will have no difficulty understanding when using this commentary. Moreover, we may hope that the logical explanation will reveal to them the beauty of the talmudic page, and they will be drawn deeper and deeper into the intellectual pursuit which has engaged the best Jewish minds, and which serves as the cornerstone of our very lives…

Rabbi Moshe Zvi Neria

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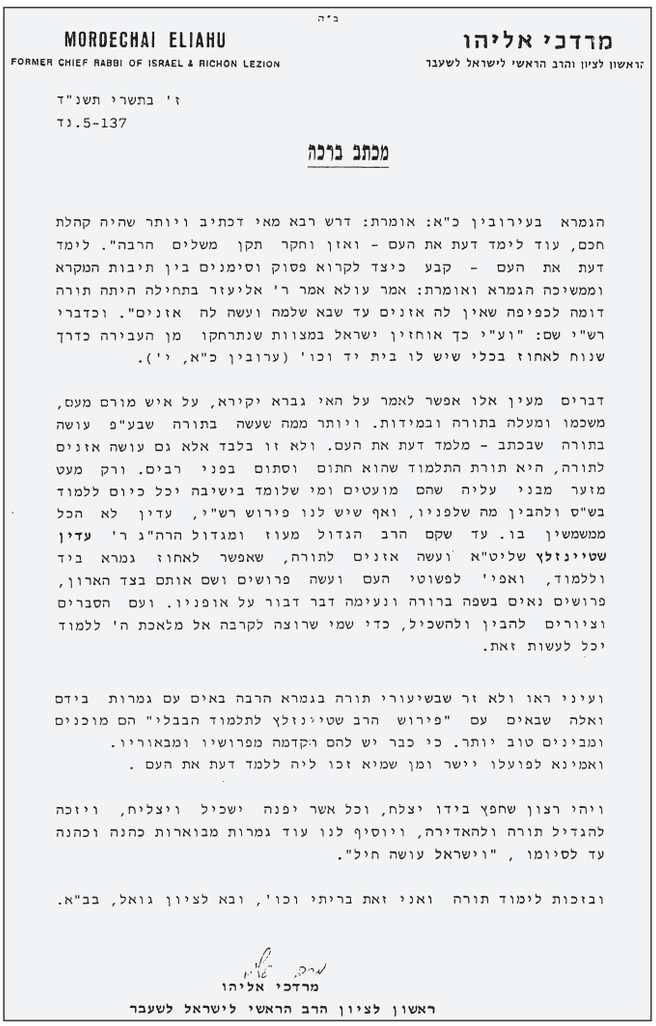
Haskama

Rabbi Mordechai Eliyahu



ב״ה

MORDECHAI ELIAHU
FORMER CHIEF RABBI OF ISRAEL & RICHON LEZION

מרדכי אליהו
הראשון לציון והרב הראשי לישראל לשעבר

ז' בתשרי תשנ"ד
נד.5-137

מכתב ברכה

הגמרא בעירובין כ"א: אומרת: דרש רבא מאי דכתיב ויותר שהיה קהלת חכם, עוד לימד דעת את העם - ואזן וחקר תקן משלים הרבה". לימד דעת את העם - קבע כיצד לקרוא פסוק וסימנים בין תיבות המקרא וממשיכה הגמרא ואומרת: אמר עולא אמר ר' אליעזר בתחילה היתה תורה דומה לכפיפה שאין לה אזנים עד שבא שלמה ועשה לה אזנים". וכדברי רש"י שם: "וע"י כך אוחזין ישראל במצוות שנתרחקו מן העבירה כדרך שנוח לאחוז בכלי שיש לו בית יד וכו' (ערובין כ"א, י').

דברים מעין אלו אפשר לאמר על האי גברא יקירא, על איש מורם מעם, משכמו ומעלה בתורה ובמידות. ויותר ממה שעשה בתורה שבע"פ עושה בתורה שבכתב - מלמד דעת את העם. ולא זו בלבד אלא גם עושה אזנים לתורה, היא תורת התלמוד שהוא חתום וסתום בפני רבים. ורק מעט מזער מבני עליה שהם מועטים ומי שלומד בישיבה יכל כיום ללמוד בש"ס ולהבין מה שלפניו, ואף שיש לנו פירוש רש"י, עדין לא הכל ממשמשין בו. עד שקם הרב הגדול מעוז ומגדול הרה"ג ר' **עדין שטיינזלץ** שליט"א ועשה אזנים לתורה, שאפשר לאחוז גמרא ביד וללמוד, ואפי' לפשוטי העם ועשה פרושים ושם אותם בצד הארון, פרושים נאים בשפה ברורה ונעימה דבר דבור על אופניו. ועם הסברים וציורים להבין ולהשכיל, כדי שמי שרוצה לקרבה אל מלאכת ה' ללמוד יכל לעשות זאת.

ועיני ראו ולא זר שבשיעורי תורה בגמרא הרבה באים עם גמרות בידם ואלה שבאים עם "פירוש הרב שטיינזלץ לתלמוד הבבלי" הם מוכנים ומבינים טוב יותר. כי כבר יש להם הקדמה מפרושיו ומבאוריו. ואמינא לפועלו יישר ומן שמיא זכו ליה ללמד דעת את העם.

ויהי רצון שחפץ בידו יצלח, וכל אשר יפנה ישכיל ויצליח, ויזכה להגדיל תורה ולהאדירה, ויוסיף לנו עוד גמרות מבוארות כהנה וכהנה עד לסיומו, "וישראל עושה חיל".

ובזכות לימוד תורה ואני זאת בריתי וכו', ובא לציון גואל, בב"א.

מרדכי אליהו
ראשון לציון הרב הראשי לישראל לשעבר

The Talmud in *Eruvin* 21b states: Rava continued to interpret verses homiletically. What is the meaning of the verse: "And besides being wise, Kohelet also taught the people knowledge; and he weighed, and sought out, and set in order many proverbs" (Ecclesiastes 12:9)? He explains: He taught the people knowledge; he taught it with the accentuation marks in the Torah, and explained each matter by means of another matter similar to it. And he weighed [*izen*], and sought out, and set in order many proverbs; Ulla said that Rabbi Eliezer said: At first the Torah was like a basket without handles [*oznayim*] until Solomon came and made handles for it. And as Rashi there explains: And thus were Israel able to grasp the mitzvot and distance themselves from transgressions – just as a vessel with handles is easily held, etc.

Such things may be said of this beloved and eminent man, a great sage of Torah and of virtue. And far more than he has done with the Oral Torah, he does with the Written Torah – teaching the people knowledge. And beyond that, he also affixes handles to the Torah, i.e., to the Talmud, which is obscure and difficult for many. Only the intellectual elite, which are a precious few, and those who study in yeshiva, can today learn the Talmud and understand what it says – and even though we have Rashi, still not everyone uses him. But now the great scholar Rabbi Adin Steinsaltz שליט״א has come and affixed handles to the Torah, allowing the Talmud to be held and studied, even by simple men. And he has composed a commentary alongside the text, a fine commentary in clear, comprehensible language, "a word fitly spoken" with explanations and illustrations, so that all those who seek to study the work of God can do so.

Rabbi Mordechai Eliyahu
Former Chief Rabbi of Israel, 7 Tishrei 5754

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Message from Rabbi Adin Even-Israel Steinsaltz

The Talmud is the cornerstone of Jewish culture. True, our culture originated in the Bible and has branched out in directions besides the Talmud, yet the latter's influence on Jewish culture is fundamental. Perhaps because it was composed not by a single individual, but rather by hundreds and thousands of Sages in *batei midrash* in an ongoing, millennium-long process, the Talmud expresses the deepest themes and values not only of the Jewish people, but also of the Jewish spirit. As the basic study text for young and old, laymen and learned, the Talmud may be said to embody the historical trajectory of the Jewish soul. It is, therefore, best studied interactively, its subject matter coming together with the student's questions, perplexities, and innovations to form a single intricate weave. In the entire scope of Jewish culture, there is not one area that does not draw from or converse with the Talmud. The study of Talmud is thus the gate through which a Jew enters his life's path.

The *Koren Talmud Bavli* seeks to render the Talmud accessible to the millions of Jews whose mother tongue is English, allowing them to study it, approach it, and perhaps even become one with it.

This project has been carried out and assisted by several people, all of whom have worked tirelessly to turn this vision into an actual set of books to be studied. It is a joyful duty to thank the many partners in this enterprise for their various contributions. Thanks to Koren Publishers Jerusalem, both for the publication of this set and for the design of its very complex graphic layout. Thanks of a different sort are owed to the Steinsaltz Center and its director, Rabbi Menachem Even-Israel, for their determination and persistence in setting this goal and reaching it. Many thanks to the translators, editors, and proofreaders for their hard and meticulous work. Thanks to the individuals and organizations that supported this project, chief among them the Matanel Foundation and the Noé family of London. And thanks in advance to all those who will invest their time, hearts, and minds in studying these volumes – to learn, to teach, and to practice.

Rabbi Adin Even-Israel Steinsaltz
Jerusalem 5773

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Acknowledgments

We are indeed privileged to dedicate this edition of the *Koren Talmud Bavli* in honor of the generous support of Leo and Sue Noé of London.

The name Noé is synonymous with philanthropy. The family's charitable endeavors span a vast range of educational projects, welfare institutions, and outreach organizations across the globe, with a particular emphasis on the "nurturing of each individual." Among so many other charitable activities, the Noés have been deeply involved with Kisharon, which provides the British Jewish community with vital support for hundreds of people with learning difficulties and their families; they provide steadfast support of SEED, which stands at the forefront of adult Jewish education in the UK, and Kemach, an organization in Israel that "helps Haredi students sustain themselves in dignity," providing both professional and vocational training for the Haredi community in Israel.

The Noés are not simply donors to institutions. They are partners. Donors think of a sum. Partners think of a cause, becoming rigorously and keenly involved, and giving of their time and energy. We are honored that they have chosen to partner with our two organizations, Steinsaltz Center and Koren Publishers Jerusalem, enabling us to further and deepen learning among all Jews.

Leo and Sue are the proud parents and grandparents of five children and their families. The next generation has been taught by example that with life's gifts come the responsibilities to be active within and contribute to society – both Jewish and non-Jewish – as is consistent with the noblest of Jewish values.

Rabbi Adin Even-Israel Steinsaltz
Matthew Miller, Publisher
Jerusalem 5773

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Introduction by the Editor-in-Chief

The publication of tractates *Avoda Zara* and *Horayot* is another noteworthy achievement for the Koren Talmud Bavli project. With these, the seventh and eighth tractates of *Seder Nezikin*, the Order of Damages, we take yet another step toward our goal, the completion of a new and unique translation of the Babylonian Talmud.

Presenting the English-speaking world with a translation that possesses all the merits of the original Hebrew work by Rabbi Steinsaltz, the text provides assistance for the beginner of any age who seeks to obtain the necessary skills to become an adept talmudist. Beginning with *Berakhot* and continuing through *Horayot*, the team has brought excellence to every aspect of the daunting task of translating Rabbi Adin Even-Israel Steinsaltz's masterful Hebrew translation of the Talmud into English.

Rabbi Steinsaltz's work is much more than a mere translation. It includes a coherent interpretation of the Mishna and the Gemara, and an expansion of the text that provides an array of intriguing marginal notes. Rendering this masterpiece into English called for talents that include biblical and talmudic scholarship, literary skills, linguistic expertise, editorial acumen, graphic and visual creativity, and most of all, teamwork and diligence. Congratulations to every member of the team are in order, and celebration of our achievement is well deserved.

I'd like to take this opportunity to express our gratitude to the Almighty for giving us the strength to persevere at this sacred task for the past several years. These years have been difficult ones for the Jewish people, and especially for those of us who dwell in Eretz Yisrael. But the difficulties have not diminished our ability to succeed in our goals. For that we thank the Master of the Universe.

Students of tractates *Avoda Zara* and *Horayot* will be both informed and inspired. In their study of tractate *Avoda Zara* they will be informed about ancient idolatrous practices and the implications that prohibitions against those practices have for contemporary relationships between Jews and members of other faiths. They will be inspired by the precautions taken by our Sages to avoid theological confusion. In their study of tractate *Horayot* they will become familiar with various categories of judicial misinterpretation and with their ritual consequences. They will be inspired by the measures our Sages took to prevent judicial error. As always, we consider our efforts successful if the reader comes away from the text a better person, and not just a better-informed person. For it is our contention that Talmud study fosters lifelong ethical development and a profound sensitivity to the needs and concerns of other human beings.

We have now had the opportunity to survey hundreds of responses submitted by our readers. Naturally, these include constructive criticism and reports of errors that are inevitable in such an undertaking. We have systematically preserved such responses

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so that we can correct them in future editions. Indeed, we have already begun to do so for the initial tractates in our series.

The most exciting result of our survey has been our discovery that "consumers" of Koren Talmud Bavli are a remarkably diverse group. They range from beginners who have never before been exposed to a *blatt gemara*, to accomplished scholars who have completed the study of the entire Talmud more than once. Beginners find our work not only a helpful introduction to Talmud study, but an impetus to the further study of rabbinic texts. Experienced scholars report that our work provides them with unexpected insights and fresh perspectives that enhance their appreciation of texts with which they have long been acquainted.

The thirty-second volume of the project comprises tractates *Avoda Zara* and *Horayot*. Like the preceding volumes, it includes the entire original text, in the traditional configuration and pagination of the famed Vilna edition of the Talmud. This enables the student to follow the core text with the commentaries of Rashi, *Tosafot*, and the customary marginalia. It also provides a clear English translation in contemporary idiom, faithfully based upon the modern Hebrew edition.

At least equal to the linguistic virtues of this edition are the qualities of its graphic design. Rather than intimidate students by confronting them with a page-size block of text, we have divided the page into smaller thematic units. Thus, readers can focus their attention and absorb each discrete discussion before proceeding to the next unit. The design of each page allows for sufficient white space to ease the visual task of reading. The illustrations, one of the most innovative features of the Hebrew edition, have been substantially enhanced and reproduced in color.

The end result is a literary and artistic masterpiece. This has been achieved through the dedicated work of a large team of translators, headed by Rabbi Joshua Schreier; the unparalleled creative efforts of the gifted staff at Koren; and the inspired and impressive administrative skills of Rabbi Jason Rappoport, managing editor of the Koren Talmud Bavli project.

It is an honor for me to acknowledge the role of Matthew Miller of Koren Publishers Jerusalem in this historic achievement. Without him this work would never have begun. Its success is attributable to his vision and supervision. I owe a great personal debt to him for selecting me as editor-in-chief, and I am continually astounded by his commitment to Jewish learning, the Jewish people, and the Jewish homeland.

The group of individuals who surround Rabbi Steinsaltz and support his work deserve our thanks as well. I have come to appreciate their energy, initiative, and persistence. And I thank the indefatigable Rabbi Menachem Even-Israel, whom I cannot praise highly enough. The quality of his guidance and good counsel is surpassed only by his commitment to the dissemination and perpetuation of his father's precious teachings.

Finally, in humility, awe, and great respect, I acknowledge Rabbi Adin Even-Israel Steinsaltz. I thank him for the inspirational opportunity he has granted me to work with one of the outstanding sages of our time.

Rabbi Tzvi Hersh Weinreb
Jerusalem 5777

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Preface by the Executive Editor

In the fifth chapter of tractate *Gittin* (60b), Rabbi Yoḥanan said: The Holy One, Blessed be He, made a covenant with Israel only for the sake of the words that were transmitted orally [*al peh*], as it is stated: "As on the basis of [*al pi*] these matters I have made a covenant with you and with Israel."

In contrast to the Written Torah, which is clearly demarcated and to which there can be no additions, the Oral Torah is, and will always remain, a work in progress. Every novel idea conceived by one engaged in the study of Torah immediately becomes part of the Oral Torah. No matter one's expertise in the Written Torah, the relationship between him and that Torah is the relationship of a subject to an object external to him. In contrast, the Oral Torah has no existence independent of those who study it. There is no duality between the Oral Torah and the one studying it. One who studies the Oral Torah becomes part of the Oral Torah, just as the Oral Torah becomes part of him. That is why the covenant with Israel is on the basis of the Oral Torah.

Although much of the Oral Torah studied today is written, and the *Koren Talmud Bavli* is no exception, the *Koren Talmud Bavli* seeks to enhance the covenant that was made on the basis of the Oral Law by making its content available to all seekers of God and His Torah. Its user-friendly layout, together with its accessible translation, takes the Steinsaltz commentary on the Talmud one step further. It opens the doors to even more students who might have previously felt excluded from the exciting give-and-take of the study hall, enabling them to take their place as full-fledged participants in the world of Talmud study.

My involvement in the production of the *Koren Talmud Bavli* has been both a privilege and a pleasure. The Steinsaltz Center, headed by Rabbi Menachem Even-Israel and devoted to the dissemination of the wide-ranging, monumental works of Rabbi Adin Even-Israel Steinsaltz, constitutes the Steinsaltz side of this partnership; Koren Publishers Jerusalem, headed by Matthew Miller, constitutes the publishing side of this partnership. The combination of the inspiration, which is the hallmark of the Steinsaltz Center, with the creativity and professionalism for which Koren is renowned and which I experience on a daily basis, has lent the *Koren Talmud Bavli* its outstanding quality in terms of both content and form.

I would be remiss if I failed to mention the contribution of Raphaël Freeman, who guided this project from its inception and is largely responsible for transforming

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the content of the Steinsaltz Talmud into the aesthetic *Koren Talmud Bavli* that is before you. He was succeeded by Dena Landowne Bailey, who has facilitated a seamless transition and has continued to ensure that the *Koren Talmud Bavli* lives up to the lofty standards that are the hallmark of Koren Publishers.

I would like to express my appreciation for Rabbi Dr. Tzvi Hersh Weinreb, the editor-in-chief, whose insight and guidance have been invaluable. Rabbi Jason Rappoport, the managing editor, has added professionalism to this project, systematizing the work of the large staff, and it is thanks to him that the project is proceeding with efficiency and excellence. Rabbi Dr. Joshua Amaru, the coordinating editor, oversees the work of the translators and editors, and is largely responsible for ensuring the consistently high quality of their work. The contribution of my friend and colleague, Rabbi Dr. Shalom Z. Berger, the senior content editor, cannot be overstated; his title does not begin to convey the excellent direction he has provided in all aspects of this project. The staff of copy editors, headed by Aliza Israel, with Ita Olesker as production coordinator, pleasantly but firmly ensures that the finished product conforms to standards and is consistently excellent. The erudite and articulate men and women who serve as translators, editors, and copy editors generate the content that is ultimately the *raison d'etre* of the *Koren Talmud Bavli*.

Thanks to my former and present fellow occupants of the Koren *beit midrash*: Rabbi David Fuchs, Rabbi Hanan Benayahu, Rabbi Yinon Chen, Efrat Gross, and others. Their mere presence creates an atmosphere conducive to the serious endeavor that we have undertaken and their assistance in all matters, large and small, is appreciated.

At the risk of being repetitious, I would like to thank Rabbi Dr. Berger for introducing me to the world of Steinsaltz. Finally, I would like to thank Rabbi Menachem Even-Israel, with whom it continues to be a pleasure to move forward in this great enterprise.

Rabbi Joshua Schreier
Jerusalem 5775

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Introduction by the Publisher

The Talmud has sustained and inspired Jews for thousands of years. Throughout Jewish history, an elite cadre of scholars has absorbed its learning and passed it on to succeeding generations. The Talmud has been the fundamental text of our people.

Beginning in the 1960s, Rabbi Adin Even-Israel Steinsaltz שליט"א created a revolution in the history of Talmud study. His translation of the Talmud, first into modern Hebrew and then into other languages, as well the practical learning aids he added to the text, have enabled millions of people around the world to access and master the complexity and context of the world of Talmud.

It is thus a privilege to present the *Koren Talmud Bavli*, an English translation of the talmudic text with the brilliant elucidation of Rabbi Steinsaltz. The depth and breadth of his knowledge are unique in our time. His rootedness in the tradition and his reach into the world beyond it are inspirational.

Working with Rabbi Steinsaltz on this remarkable project has been not only an honor, but a great pleasure. Never shy to express an opinion, with wisdom and humor, Rabbi Steinsaltz sparkles in conversation, demonstrating his knowledge (both sacred and worldly), sharing his wide-ranging interests, and, above all, radiating his passion. I am grateful for the unique opportunity to work closely with him, and I wish him many more years of writing and teaching.

Our intentions in publishing this new edition of the Talmud are threefold. First, we seek to fully clarify the talmudic page to the reader – textually, intellectually, and graphically. Second, we seek to utilize today's most sophisticated technologies, both in print and electronic formats, to provide the reader with a comprehensive set of study tools. And third, we seek to help readers advance in their process of Talmud study.

To achieve these goals, the *Koren Talmud Bavli* is unique in a number of ways:

- The classic *tzurat hadaf* of Vilna, used by scholars since the 1800s, has been reset for greater clarity, and opens from the Hebrew "front" of the book. Full *nikkud* has been added to both the talmudic text and Rashi's commentary, allowing for a more fluent reading with the correct pronunciation; the commentaries of *Tosafot* have been punctuated. Upon the advice of many English-speaking teachers of Talmud, we have separated these core pages from the translation, thereby enabling the advanced student to approach the text without the distraction of the translation. This also reduces the number of volumes in the set. At the bottom of each *daf,* there is a reference to the corresponding English pages. In addition, the Vilna edition was read against other manuscripts and older print editions, so that texts which had been removed by non-Jewish censors have been restored to their rightful place.

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- The English translation, which starts on the English "front" of the book, reproduces the *menukad* Talmud text alongside the English translation (in bold) and commentary and explanation (in a lighter font). The Hebrew and Aramaic text is presented in logical paragraphs. This allows for a fluent reading of the text for the non-Hebrew or non-Aramaic reader. It also allows for the Hebrew reader to refer easily to the text alongside. Where the original text features dialogue or poetry, the English text is laid out in a manner appropriate to the genre. Each page refers to the relevant *daf*.
- Critical contextual tools surround the text and translation: personality notes, providing short biographies of the Sages; language notes, explaining foreign terms borrowed from Greek, Latin, Persian, or Arabic; and background notes, giving information essential to the understanding of the text, including history, geography, botany, archaeology, zoology, astronomy, and aspects of daily life in the talmudic era.
- Halakhic summaries provide references to the authoritative legal decisions made over the centuries by the rabbis. They explain the reasons behind each halakhic decision as well as the ruling's close connection to the Talmud and its various interpreters.
- Photographs, drawings, and other illustrations have been added throughout the text – in full color in the Standard and Electronic editions, and in black and white in the Daf Yomi edition – to visually elucidate the text.

This is not an exhaustive list of features of this edition; it merely presents an overview for the English-speaking reader who may not be familiar with the "total approach" to Talmud pioneered by Rabbi Steinsaltz.

Several professionals have helped bring this vast collaborative project to fruition. My many colleagues are noted on the Acknowledgments page, and the leadership of this project has been exceptional.

RABBI MENACHEM EVEN-ISRAEL, DIRECTOR OF THE STEINSALTZ CENTER, was the driving force behind this enterprise. With enthusiasm and energy, he formed the happy alliance with Koren and established close relationships among all involved in the work.

RABBI DR. TZVI HERSH WEINREB שליט"א, EDITOR-IN-CHIEF, brought to this project his profound knowledge of Torah, intellectual literacy of Talmud, and erudition of Western literature. It is to him that the text owes its very high standard, both in form and content, and the logical manner in which the beauty of the Talmud is presented.

RABBI JOSHUA SCHREIER, EXECUTIVE EDITOR, assembled an outstanding group of scholars, translators, editors, and copy editors, whose standards and discipline enabled this project to proceed in a timely and highly professional manner.

RABBI MEIR HANEGBI, EDITOR OF THE HEBREW EDITION OF THE STEINSALTZ TALMUD, lent his invaluable assistance throughout the work process, supervising the reproduction of the Vilna pages.

RAPHAËL FREEMAN created this Talmud's unique typographic design which, true to the Koren approach, is both elegant and user friendly.

It has been an enriching experience for all of us at Koren Publishers Jerusalem to work with the Steinsaltz Center to develop and produce the *Koren Talmud Bavli*. We pray that this publication will be a source of great learning and, ultimately, greater *avodat Hashem* for all Jews.

Matthew Miller, Publisher
Koren Publishers Jerusalem
Jerusalem 5773

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Introduction to **Avoda Zara**

The prohibition against idol worship is the most stringent prohibition in the Torah. It encompasses all foreign worship of anything other than God, including all deities and idols, forces of nature, spiritual entities, and living creatures. The prohibition applies whether these are worshipped in place of God or in conjunction with Him. It encompasses the worship of all deities, whether in the abstract or through the worship of images and representations.

The Torah repeatedly adjures the Jewish people not to engage in idol worship. This prohibition appears in the Ten Commandments, where the Jews are cautioned: "You shall have no other gods before Me" (Exodus 20:3), and: "You shall not bow down to them nor serve them" (Exodus 20:5).

Similarly, the prophets frequently admonished the Jewish people on this issue. This focus on the prohibition of idol worship is not surprising, as it is the absolute antithesis of the essence of Judaism, namely, the belief in pure monotheism. This is summed up by the Sages' comment that anyone who accepts idol worship denies the entire Torah (*Yalkut Shimoni* on the Torah 877; see *Shevuot* 29a).

Due to its severity, the Torah does not merely require one to refrain from idol worship. Rather, one must actively uproot and obliterate it. There are also numerous *halakhot* designed to create boundaries between the Jewish people and idolatry and its worshippers (see Exodus 23:32–33 and Deuteronomy 7:2–3), whose ways Jews are commanded not to imitate (see Leviticus 18:2). The Sages added many further measures to prevent contact with idol worship and its adherents. In *Mishne Torah* and especially in the *Guide of the Perplexed*, the Rambam explains that numerous mitzvot are a means of distancing Jews from the practices of idol worship and its adherents.

This tractate is one of several that are included in the order of *Nezikin* due to their connection to tractate *Sanhedrin*. In tractate *Sanhedrin* the topic of idol worship is dealt with mainly in a judicial and punitive context. Tractate *Avoda Zara* expands upon this discussion by focusing on what is permitted and what is prohibited, clarifying measures that serve to prevent contact with idol worship and its followers, and describing the items from which one may not derive benefit nor eat.

One of the unique aspects of idol worship is the fact that this prohibition applies to gentiles as well as Jews, as it is one of the seven Noahide laws (see *Sanhedrin* 56b) that apply to all people. This has ramifications for Jews as well: Jews are commanded to obliterate idol worship from Eretz Yisrael upon the conquest of the land, but in principle, the obligation is to eliminate it from the entire world (see Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:1 and *Sefer Shofetim*, *Hilkhot Melakhim* 11:4). Although this is generally not possible in practice, a Jew is certainly prohibited from

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aiding gentiles to worship idols in any way or leading gentiles to engage in those practices that are forbidden to them.

The primary focus of this tractate is the principle of distancing oneself from idol worship and all that is associated with it. It is prohibited to derive benefit from idols themselves, their adornments, and their offerings. The Sages added that such items are to be treated as primary sources of ritual impurity (32b; *Shabbat* 57b). It should be noted that there is an opinion that an object of idol worship renders one impure to the same degree of severity as a corpse.

It is prohibited for a Jew to participate in idolatrous holidays or rituals. The Gemara defines the limitations of these prohibitions and clarifies the degree to which they apply in various cases of indirect or passive involvement. The tractate includes enumeration of items from which one is prohibited to derive benefit, as well as those foods that a Jew may not eat. It clarifies which items are prohibited as offerings or as a mixture that involves the prohibition of idol worship. Likewise, it deals with the status of items that are prohibited in order to prevent contact with idol worship and its adherents.

There is also extensive discussion of the *halakhot* of wine used for a libation to idolatry. In the narrow sense this is referring to wine that was actually poured to an object of idol worship. By Torah law, it is prohibited to derive benefit from such wine. It was a very common practice in those days for a gentile to pour off some of the wine he was drinking as a libation to an object of idol worship. Due to the severity of this matter and its prevalence, the Sages decreed that ordinary wine that was touched by gentiles is prohibited by rabbinic law, despite the fact that it was not actually poured as part of idol worship. This decree was also motivated by the difficulty of distinguishing between ordinary wine with which a gentile had had contact and wine that he had poured as a libation, as well as the general desire to discourage excessive fraternization between Jews and gentiles. This is reflected in the Gemara's statement that the Sages issued a decree forbidding the ordinary wine of a gentile due to a concern with regard to intermarriage with their daughters (36b; *Shabbat* 17b).

Apart from the issue of idol worship, another problem involving the use of a gentile's food and cooking ware is whether or not it is considered kosher. This concern arises from the fact that gentiles eat non-kosher animals and make use of ingredients that are derived from them. Even in situations when there is no concern for a mixture of non-kosher food, there are certain foods of gentiles that the Sages prohibited due to the appearance of a prohibition or in order to discourage fraternization.

These prohibitions are classified differently depending upon the kind of item that is forbidden and the extent of the prohibition. There is a discussion concerning food and cooking ware, as well as other items. In terms of the degree of the prohibitions, they range from an absolute prohibition against deriving any benefit whatsoever, to a prohibition against direct use, to a prohibition only against eating. Some prohibitions apply only *ab initio*, whereas others are in effect even after the fact. The Gemara addresses the boundaries between these various categories. Similarly, there is discussion with regard to which items must be destroyed and which need not be.

The tractate also discusses cases of mixtures of various forbidden and permitted substances and the absorption of forbidden substances. It defines when even a minimal amount renders an entire mixture forbidden and when a minority is nullified by a larger quantity of a permitted substance. It further distinguishes between cases where the possibility of rectifying the contamination by a forbidden substance does and

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does not exist. The tractate also defines cases of utensils that can be rendered kosher again. In sum, this tractate includes key discussions of basic principles of the *halakhot* of mixtures, absorption, nullification, and rendering items kosher.

Tractate *Avoda Zara* includes descriptions of various forms of idol worship and their practices. The majority of these descriptions are referring to the Greco-Roman practices in general, specifically the manner of their performance in Eretz Yisrael and surrounding areas at the time of the Talmud. These serve as examples and paradigms for all forms of idol worship. Were the Gemara to catalogue all existing practices, many volumes would have been required. As the Gemara itself states (14b): It is learned as a tradition that the tractate *Avoda Zara* of Abraham our forefather contained four hundred chapters.

During the period of the Torah and much of the period of the Talmud, gentiles were idol worshippers. Over the course of time, several religions emerged that were based on Judaism and embraced belief in God and a number of the commandments of the Torah. Two prime examples are Christianity and Islam. (See Rambam *Sefer Shofetim*, *Hilkhot Melakhim* 11:4, in the uncensored versions, and Meiri in his commentary on mishna 1:1 and in the Gemara on 6b.)

The early commentaries defined the status of these religions in various ways. It is clear that they are not judged to be the same as those of ancient nations, who were idol worshippers. Muslims do not worship idols and do not pour wine as libations. There are differences of opinion with regard to Christians, with some authorities ruling stringently (Rambam), while others rule very leniently (*Tosafot*; see Meiri).

In practice, the *halakhot* with regard to Christians are complex. On the one hand, the custom is to apply many of the *halakhot* that are meant to discourage intermarriage and assimilation with gentiles. On the other hand, many prohibitions with regard to interaction with gentiles are not applied to Christians. An example of this is the prohibition against doing business with gentiles on their festivals. In this regard the authorities relied on the principle that it is very difficult for Jews to refrain from economic activity with gentiles outside of Eretz Yisrael (see 7a). In addition, they based their lenient rulings on the notion that the gentiles outside of Eretz Yisrael are not actually idol worshippers, but are merely following the practices of their ancestors (see *Ḥullin* 13b).

Tractate *Avoda Zara* consists of five chapters. In some cases an entire topic is covered in one chapter, while in other instances several subjects are discussed in a single chapter, with certain matters spanning more than one chapter.

Chapter One discusses the prohibitions against economic interactions with gentiles at specific times and places and involving particular items.

Chapter Two focuses on various types of interactions with gentiles, particularly in terms of using their food. It delineates which foods are forbidden entirely, which are foods that one may not consume but may derive benefit from, and which foods are completely permitted.

In Chapter Three the tractate discusses the *halakhot* of idols, images, and related objects, as well as houses of worship and the degree to which they are prohibited or permitted. It also describes the methods of nullifying idol worship.

Chapter Four continues the analysis of various forms of idols and the methods of their nullification. It also begins the discussion on wine that was poured as a libation for idol worship.

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Chapter Five continues with the topic of wine that was poured as a libation for idol worship. This chapter clarifies when it is entirely prohibited to derive benefit from the wine and when there is only a concern for the possibility that one may pour it as a libation. This leads into a discussion of how forbidden utensils may be rendered fit for use by a Jew. This issue involves both utensils that are forbidden because of their absorption of wine that was poured as a libation for idol worship, and those forbidden due to food cooked by gentiles.

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Introduction to **Perek I**

And in all that I have said to you take care; and make no mention of the name of other gods, nor let it be heard out of your mouth.

(Exodus 23:13)

You shall not put a stumbling block before the blind, but you shall fear your God: I am the Lord.

(Leviticus 19:14)

And when the Lord your God shall deliver them up before you, and you shall smite them; then you shall utterly destroy them; you shall make no covenant with them, nor show mercy to them.

(Deuteronomy 7:2)

The Torah contains many commands prohibiting contact with idol worship and its adherents. Numerous questions arise for Jews living among idol-worshipping gentiles with whom they must conduct daily business.

In general, the practical concern of idol worship applies to specific times and places, as well as to particular items and animals that are associated with pagan rituals. This chapter deals primarily with the prohibition against conducting business under these specific circumstances, with a focus on days that have special significance for idol worshippers.

All opinions agree that one may not conduct business with idol worshippers on the day of their pagan festival. Aside from the desire to prevent contact with idol worship, there is a concern that the business transaction might please the gentile, leading him to give thanks to his object of idol worship. Furthermore, by conducting business with the idol worshipper, the Jew encourages his worship by providing him with items that can be used for pagan rituals. This violates the prohibition of placing a stumbling block before the blind, as gentiles are prohibited from worshipping idols.

The different reasons for the prohibition against conducting business with gentiles have relevance for the extent and scope of the prohibition. Does the prohibition apply only to the festival day itself, or is it also applicable on the days preceding, and perhaps following, the festival?

Other questions include whether it is prohibited only to sell to gentiles, or is buying from them also prohibited? What is the status of items that are not used for idol worship? What is the *halakha* concerning other monetary transactions that are not strictly commercial dealings, such as lending, repaying debts, and the giving and receiving of gifts?

The prohibition against conducting business on days that are associated with pagan festivals applies to places that are designated for idol worship at specific times. Conducting business in such places constitutes providing financial support for idol worship and its priests by means of the taxes that are taken from these sales. Additionally, the Jew who engaged in such business would earn money that is associated with idol worship. It is necessary to determine the extent of this prohibition, as well as the status of profits that were earned in its violation.

Apart from the monetary consideration, participation in these events is problematic due to the publicity and respect that this activity accords to the deity. It is therefore necessary to determine whether it is permitted to visit places where idol worship is taking place.

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In addition to the aspects of the aforementioned prohibitions, which apply only in certain times and places, the prohibition against conducting business is permanently in force with regard to items and animals that are used specifically for idol worship. It is prohibited to sell such items and animals to pagans, as this is considered aiding them in their idolatrous ways. It is necessary to ascertain whether this prohibition applies to all items that are used for idol worship, or only in specific cases.

Other topics discussed in this chapter include the limitations imposed upon the building of structures that are to be used for idol worship or are related to it in some way, as well as edifices that are to be used for other prohibited purposes.

As an extension of the discussion on selling to gentiles items connected to idol worship, this chapter lists various items that may not be sold to gentiles for other reasons. Forbidden sales include those that enable a gentile to commit to a sin, those that might lead to danger for Jews, and those involving an otherwise forbidden transfer of ownership to gentiles, such as land in Eretz Yisrael.

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מתני׳ לִפְנֵי אֵידֵיהֶן שֶׁל גּוֹיִם שְׁלֹשָׁה יָמִים – אָסוּר לָשֵׁאת וְלָתֵת עִמָּהֶם, לְהַשְׁאִילָן וְלִשְׁאוֹל מֵהֶן, לְהַלְווֹתָן וְלִלְווֹת מֵהֶן, לִפְרוֹעַ וְלִפָּרַע מֵהֶן; רַבִּי יְהוּדָה אוֹמֵר: נִפְרָעִין מֵהֶן, מִפְּנֵי שֶׁמֵּיצַר הוּא לוֹ; אָמְרוּ לוֹ: אַף עַל פִּי שֶׁמֵּיצַר הוּא עַכְשָׁיו, שָׂמֵחַ הוּא לְאַחַר זְמָן.

MISHNA On the **three days before the festivals**[H] **of gentiles** the following actions are prohibited, as they would bring joy to the gentile, who would subsequently give thanks to his object of idol worship on his festival: It is **prohibited to engage in business with them;**[N] **to lend** items **to them or to borrow** items **from them; to lend** money **to them or to borrow** money **from them;** and **to repay** debts owed to **them or to collect repayment** of debts **from them. Rabbi Yehuda says: One may collect repayment** of debts **from them because this causes** the gentile **distress.** The Rabbis **said to** Rabbi Yehuda: **Even though he is distressed now,** when he repays the money, **he is happy afterward** that he is relieved of the debt, and therefore there is concern that he will give thanks to his object of idol worship on his festival.

גמ׳ רַב וּשְׁמוּאֵל, חַד תָּנֵי: ״אֵידֵיהֶן״, וְחַד תָּנֵי: ״עֵידֵיהֶן״. מַאן דְּתָנֵי ״אֵידֵיהֶן״ לָא מִשְׁתַּבֵּשׁ, וּמַאן דְּתָנֵי ״עֵידֵיהֶן״ לָא מִשְׁתַּבֵּשׁ.

GEMARA **Rav and Shmuel** disagree with regard to the correct version of the text of the mishna. **One teaches** the term meaning: Their festivals, as ***eideihen,*** spelled with an *alef* as the first letter, **and one teaches *eideihen***[L] with an *ayin* as the first letter. The Gemara comments: **The one who teaches *eideihen*** with an *alef* **is not mistaken, and the one who teaches *eideihen*** with an *ayin* **is not mistaken,** as there is support for each version of the term.

מַאן דְּתָנֵי ״אֵידֵיהֶן״ לָא מִשְׁתַּבֵּשׁ, דִּכְתִיב: ״כִּי קָרוֹב יוֹם אֵידָם״; וּמַאן דְּתָנֵי ״עֵידֵיהֶן״ לָא מִשְׁתַּבֵּשׁ, דִּכְתִיב: ״יִתְּנוּ עֵדֵיהֶם וְיִצְדָּקוּ״.

The Gemara elaborates: **The one who teaches *eideihen*** with an *alef* **is not mistaken, as it is written: "For the day of their calamity** [***eidam***] **is at hand"** (Deuteronomy 32:35), and the future downfall mentioned in the verse is partly due to the festivals of idol worshippers. The term there is spelled with an *alef*. **And** likewise, **the one who teaches *eideihen*** with an *ayin* **is not mistaken, as it is written: "Let them bring their witnesses** [***eideihem***]**, that they may be justified"** (Isaiah 43:9),[N] i.e., the festivals will serve as witnesses against gentile sinners, proving that they engaged in idol worship. The term there is spelled with an *ayin*.

וּמַאן דְּתָנֵי ״אֵידֵיהֶן״, מַאי טַעְמָא לָא תָּנֵי ״עֵידֵיהֶן״? אָמַר לָךְ: תַּבְרָא עָדִיף. וּמַאן דְּתָנֵי ״עֵידֵיהֶן״, מַאי טַעְמָא לָא תָּנֵי ״אֵידֵיהֶן״? אָמַר לָךְ: מַאן קָא גָּרִים לְהוּ תַּבְרָא – עֵדוּת שֶׁהֵעִידוּ בְּעַצְמָן, הִלְכָּךְ עֵדוּת עֲדִיפָא.

The Gemara asks: **And** according to **the one who teaches *eideihen*** with an *alef*, **what is the reason** that **he did not teach *eideihen*** with an *ayin*? The Gemara answers: He could have **said to you** that a term that refers to **a calamity is preferable.** The Gemara asks: **And the one who teaches *eideihen*** with an *ayin*, **what is the reason** that **he did not teach *eideihen*** with an *alef*? The Gemara answers: He could have **said to you: What causes** this **calamity** to happen to **them?** It is **the testimony that they testified against themselves. Therefore,** a term that references **testimony is preferable.**

וְהַאי ״יִתְּנוּ עֵדֵיהֶם וְיִצְדָּקוּ״ בְּאוּמּוֹת הָעוֹלָם כְּתִיב? הָא בְּיִשְׂרָאֵל כְּתִיב, דְּאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: כָּל מִצְוֹת שֶׁיִּשְׂרָאֵל עוֹשִׂין בָּעוֹלָם הַזֶּה, בָּאוֹת וּמְעִידוֹת לָהֶם לָעוֹלָם הַבָּא, שֶׁנֶּאֱמַר: ״יִתְּנוּ עֵדֵיהֶם וְיִצְדָּקוּ״ – אֵלּוּ יִשְׂרָאֵל, ״יִשְׁמְעוּ וְיֹאמְרוּ אֱמֶת״ – אֵלּוּ אוּמּוֹת הָעוֹלָם!

The Gemara asks: **But is this** verse: **"Let them bring their witnesses that they may be justified," written with regard to the nations of the world? Isn't it written with regard to the Jewish people? As Rabbi Yehoshua ben Levi says: All the mitzvot that the Jews perform in this world** will **come and bear witness for them in the World-to-Come, as it is stated: "Let them bring their witnesses that they may be justified." These are the Jews,** as their good deeds bear witness for them and demonstrate their righteousness. When the verse states: **"And let them hear, and say: It is truth"** (Isaiah 43:9), **these are the nations of the world,** who will admit to the righteousness of the Jews.

אֶלָּא אָמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: מַאן דְּאָמַר ״עֵידֵיהֶן״ – מֵהָכָא: ״יֹצְרֵי פֶסֶל כֻּלָּם תֹּהוּ וַחֲמוּדֵיהֶם בַּל יוֹעִילוּ וְעֵדֵיהֶם הֵמָּה״.

Rather, Rav Huna, son of Rav Yehoshua, said: The one who says that the correct word is ***eideihen*** with an *ayin* derived this use of the term **from here: "They that fashion a graven image are all of them vanity, and their delectable things shall not profit; and their own witnesses** [***eideihem***] see not, nor know" (Isaiah 44:9). This demonstrates that the objects of idol worship will serve as witnesses against their worshippers.

HALAKHA

Before the festivals – לִפְנֵי אֵידֵיהֶן: On the three days preceding the festivals of gentiles, it is prohibited to buy from or sell to them, to lend or borrow items or money, to repay debts owed to them, or to collect payment of their debts. This ruling is in accordance with the opinion of the first *tanna* of the mishna. The *Tur* and *Shulḥan Arukh* write that this was the *halakha* only in the talmudic period, but nowadays it is permitted. The halakhic authorities explain that the prohibition no longer applies either because in the present time gentiles do not engage in idol worship or because they are no longer so devout or familiar with the worship. Furthermore, even if they give the money to their priests, it would not be used for idol worship itself. Another reason the prohibition no longer applies is that there is a fear that it might cause hatred of the Jews who are living among the gentiles and have to conduct business with them throughout the rest of the year (Rambam *Sefer HaMadda, Hilkhot Avoda Zara* 9:1; *Shulḥan Arukh, Yoreh De'a* 148:1, 12).

NOTES

It is prohibited to engage in business with them – אָסוּר לָשֵׁאת וְלָתֵת עִמָּהֶם: According to most of the commentaries and halakhic authorities, the mishna is referring to any sort of business transaction, whether buying from them or selling to them. Some maintain that the prohibition applies to selling to gentiles alone. Furthermore, it applies only to selling an animal or an item that can serve as an idolatrous offering, and provided that the gentile does not already possess this type of animal (*Tosafot*, citing Rabbeinu Tam).

Let them bring their witnesses that they may be justified – יִתְּנוּ עֵדֵיהֶם וְיִצְדָּקוּ: According to Rashi, at this stage the verse is understood as follows: If the gentiles were to bring witnesses who testify that they engaged in idol worship, will they then be justified? Others interpret the verse in a positive manner, i.e., the gentiles should come and provide testimony that they kept the seven Noahide mitzvot, and thereby be justified (Maharsha).

LANGUAGE

***Eideihen* – עֵידֵיהֶן:** In addition to the Gemara's explanation of this term, some commentaries suggest that the source and meaning of the word *eideihen* spelled with an *ayin* is possibly the term: "Polluted [*iddim*] garment" (Isaiah 64:5). Furthermore, there might be a connection between the term *eid* and the *ides*, the middle of every month, sacred in the Roman calendar.

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דָּרַשׁ רַבִּי חֲנִינָא בַּר פַּפָּא, וְאִיתֵּימָא רַבִּי שִׁמְלַאי: לֶעָתִיד לָבֹא מֵבִיא הַקָּדוֹשׁ בָּרוּךְ הוּא סֵפֶר תּוֹרָה וּמַנִּיחוֹ בְּחֵיקוֹ, וְאוֹמֵר: לְמִי שֶׁעָסַק בָּזֶה, יָבֹא וְיִטּוֹל שְׂכָרוֹ.

§ The Gemara cites homiletic interpretations of the verse that was discussed earlier: "All the nations are gathered together, and let the peoples be assembled; who among them can declare this, and announce to us former matters? Let them bring their witnesses, that they may be justified; and let them hear, and say: It is truth" (Isaiah 43:9). **Rabbi Ḥanina bar Pappa taught, and some say** that it was **Rabbi Simlai** who taught: **In the future, the Holy One, Blessed be He,** will **bring a Torah scroll and place it in His lap and say:** Anyone **who engaged in its** study **should come and take his reward.**

מִיָּד מִתְקַבְּצִין וּבָאִין אוּמּוֹת הָעוֹלָם בְּעִרְבּוּבְיָא, שֶׁנֶּאֱמַר: "כָּל הַגּוֹיִם נִקְבְּצוּ יַחְדָּו" וגו', אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: אַל תִּכָּנְסוּ לְפָנַי בְּעִרְבּוּבְיָא, אֶלָּא תִּכָּנֵס כָּל אוּמָּה וְאוּמָּה

Immediately, the nations of the world will **gather** together **and come intermingled** with each other, **as it is stated: "All the nations are gathered together** and let the peoples be assembled." **The Holy One, Blessed be He,** will **say to them: Do not enter before Me intermingled; rather, let each and every nation enter**

Perek **I**
Daf **2** Amud **b**

NOTES

Le'om means nothing other than kingdom – אֵין לְאוֹם אֶלָּא מַלְכוּת: This is in contrast to the beginning of the verse, which states: "All the nations are gathered together," i.e., the different nations gather together intermingled. Here the verse is no longer referring to nations gathered together, and is in the future tense. This indicates that God will instruct the various nations to form separate groups (see Maharsha).

Whose name [*shettivah*] spread – שֶׁשְּׁטִבְעָהּ יָצָא: Rashi explains that *tivah* means its name, i.e., the name of the Roman Empire, is known everywhere. Rashi elsewhere states that *tivah* means its seal or coin (see *Megilla* 14b). If so, Rabbi Yoḥanan is saying that the Roman coin is used throughout the world due to the importance of this empire (Maharsha).

What is the reason – טַעְמָא מַאי: With regard to a matter of honor, it is clear why the king would receive precedence. It is less evident why the most important figure is brought first to face judgment (*Tosefot Ḥakhmei Angliyya*).

וְסוֹפְרֶיהָ, שֶׁנֶּאֱמַר: "וְיֵאָסְפוּ לְאֻמִּים", וְאֵין "לְאוֹם" אֶלָּא מַלְכוּת, שֶׁנֶּאֱמַר: "וּלְאֹם מִלְאֹם יֵאָמֵץ". וּמִי אִיכָּא עֲרִבּוּבְיָא קַמֵּי הַקָּדוֹשׁ בָּרוּךְ הוּא? אֶלָּא, כִּי הֵיכִי דְּלָא לִיעַרְבְּבוּ אִינְהוּ [בַּהֲדֵי הֲדָדֵי], דְּלִישְׁמְעוּ מַאי דְּאָמַר לְהוּ.

with their scholars, as it is stated: "And let the peoples [*le'umim*] **be assembled"** (Isaiah 43:9); **and** the term ***le'om*** means **nothing other than kingdom,**[N] **as it is stated: "And the one kingdom** [*ule'om*] **shall be stronger than the other kingdom** [*mile'om*]" (Genesis 25:23). The Gemara asks: **But is** it possible for **there** to be **intermingling before the Holy One, Blessed be He,** that it should be necessary for each nation to stand and be addressed separately? **Rather,** the nations are instructed to stand separately **so that they will not become intermingled with each other** in order **that they will** each **hear what He says to them.**

[מִיָּד] נִכְנְסָה לְפָנָיו מַלְכוּת רוֹמִי תְּחִלָּה. מַאי טַעְמָא? מִשּׁוּם דַּחֲשִׁיבָא. וּמְנָלַן דַּחֲשִׁיבָא? דִּכְתִיב: "וְתֹאכַל כָּל הָאָרֶץ וּתְדוּשֶׁנָּהּ וְתַדְקִינֶנָּהּ", אָמַר רַבִּי יוֹחָנָן: זוֹ רוֹמִי חַיֶּבֶת, שֶׁשְּׁטִבְעָהּ יָצָא בְּכָל הָעוֹלָם.

Immediately, the Roman Empire[B] **enters first before Him.** The Gemara asks: **What is the reason** that the Roman Empire enters first? It is **because** the Roman Empire is the most **important** of all of the nations. **And from where do we** derive **that it is** the most **important? As it is written** in the book of Daniel with regard to the fourth empire that will rule over the world: **"And it shall devour the whole earth, and shall tread it down, and break it in pieces"** (Daniel 7:23), and **Rabbi Yoḥanan says: This** empire that will devour the earth is **the wicked Roman** Empire, **whose name spread**[N] **throughout the world.**

וּמִנָּא לָן דְּמַאן דַּחֲשִׁיב עָיֵיל בְּרֵישָׁא? כִּדְרַב חִסְדָּא, דְּאָמַר רַב חִסְדָּא: מֶלֶךְ וְצִבּוּר – מֶלֶךְ נִכְנָס תְּחִלָּה לַדִּין, שֶׁנֶּאֱמַר: "לַעֲשׂוֹת מִשְׁפַּט עַבְדּוֹ וּמִשְׁפַּט עַמּוֹ יִשְׂרָאֵל" וגו'. וְטַעְמָא מַאי? אִיבָּעֵית אֵימָא: לָאו אוֹרַח אַרְעָא לְמֵיתַב מַלְכָּא מַאֲבָרַאי, וְאִיבָּעֵית אֵימָא: מִקַּמֵּי דְּלִיפּוּשׁ חֲרוֹן אַף.

The Gemara asks: **And from where do we** derive **that whoever is** more **important enters first?** This is **in accordance with** a statement **of Rav Ḥisda, as Rav Ḥisda says:** When **a king and a community** are brought before God for judgment, the **king enters for judgment first, as it is stated: "That He make the judgment of His servant and the judgment of His people Israel,** as every day shall require" (1 Kings 8:59). **And what is the reason**[N] that it is important for the king to enter first? **If you wish, say** that it is **not proper conduct for the king to stand outside** and wait for the trial of his subjects to end. **And if you wish, say** instead that the king is brought in first so that he may be judged **before** God's **anger intensifies** due to the sins of the community.

BACKGROUND

Roman Empire – מַלְכוּת רוֹמִי: This passage describes the positive contributions of the Roman Empire. Most prominent, as indicated by the ruins that remain from their time, are the Roman Empire's efforts in city planning and improving the infrastructure of conquered cities. For example, the Romans built markets, bathhouses, and other structures in all their conquered cities. The Roman Empire was highly organized, with a well-established system of tax collection. Due to the great needs of this empire it continued to grow and expand, and consequently huge amounts of money circulated within the Roman Empire. This contrasts with the practices of previous empires. This phenomenon is referred to here by the expression: We have increased much silver and gold.

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אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: בְּמַאי עַסַקְתֶּם? אוֹמְרִים לְפָנָיו: רִבּוֹנוֹ שֶׁל עוֹלָם, הִרְבֵּה שְׁווָקִים תִּקַּנְינוּ, הִרְבֵּה מֶרְחֲצָאוֹת עָשִׂינוּ, הִרְבֵּה כֶּסֶף וְזָהָב הִרְבֵּינוּ, וְכוּלָּם לֹא עָשִׂינוּ אֶלָּא בִּשְׁבִיל יִשְׂרָאֵל כְּדֵי שֶׁיִּתְעַסְּקוּ בַּתּוֹרָה.

The Gemara returns to its narration of the future judgment. First, the members of the Roman Empire enter. **The Holy One, Blessed be He, says to them: With what did you occupy yourselves? They say before Him** in response: **Master of the Universe, we have established many marketplaces,**[B] **we have built many bathhouses,**[B] and **we have increased much silver and gold.**[B] **And we did all** of this **only for** the sake of **the Jewish people, so that they would** be free to **engage in Torah** study.

אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: שׁוֹטִים שֶׁבָּעוֹלָם, כָּל מַה שֶּׁעֲשִׂיתֶם – לְצוֹרְכְּכֶם עֲשִׂיתֶם, תִּקַּנְתֶּם שְׁווָקִים – לְהוֹשִׁיב בָּהֶן זוֹנוֹת, מֶרְחֲצָאוֹת – לְעַדֵּן בָּהֶן עַצְמְכֶם, כֶּסֶף וְזָהָב – שֶׁלִּי הוּא, שֶׁנֶּאֱמַר: ״לִי הַכֶּסֶף וְלִי הַזָּהָב נְאֻם ה׳ צְבָאוֹת״;

The Holy One, Blessed be He, says to them: Fools of the world! Are you attempting to deceive Me? **Everything that you did, you did for your own needs. You established marketplaces to place prostitutes in them;** you built **bathhouses for your own enjoyment;** and as for the **silver and gold** that you claim to have increased, **it is Mine,**[N] **as it is stated: "Mine is the silver, and Mine the gold, said the Lord of hosts"** (Haggai 2:8).

כְּלוּם יֵשׁ בָּכֶם מַגִּיד זֹאת? שֶׁנֶּאֱמַר: ״מִי בָכֶם יַגִּיד זֹאת״, וְאֵין ״זֹאת״ אֶלָּא תּוֹרָה, שֶׁנֶּאֱמַר: ״וְזֹאת הַתּוֹרָה אֲשֶׁר שָׂם מֹשֶׁה״! מִיָּד יָצְאוּ בְּפַחֵי נֶפֶשׁ.

Is there no one among you who can declare that they have studied **this** Torah? This is the meaning of the continuation of the verse from Isaiah, **as it is stated: "Who among them can declare this?"** (Isaiah 43:9). **And "this"** is referring to **nothing other than** the **Torah, as it is stated: "And this is the Torah that Moses set** before the children of Israel" (Deuteronomy 4:44), and whoever did not engage in its study does not receive reward. **Immediately,** the members of the Roman Empire **leave disappointed.**

NOTES

Silver and gold, it is Mine – כֶּסֶף וְזָהָב שֶׁלִּי הוּא: God answers as follows: You claim that you amassed gold and silver so that you would not need to collect money from the Jewish people. Yet, no amount of effort can guarantee success in business; rather, it was I who made you successful, knowing that if you would not amass money in this manner you would take it from the Jewish people. Therefore, not only does this claim not demonstrate your righteousness, but it actually indicates the opposite, and you deserve to be punished rather than rewarded (Ra'avad).

BACKGROUND

We have established many marketplaces – הִרְבֵּה שְׁווָקִים תִּקַּנְינוּ:

Roman market in Libya

We have built many bathhouses – הִרְבֵּה מֶרְחֲצָאוֹת עָשִׂינוּ: Many of the Roman bathhouses, called thermae, were lavish structures boasting large halls [tepidarium], gardens, private and public baths, various hot-bath complexes [calidarium] and cold baths [frigidarium], swimming pools, and stadiums. They served not only for washing, but also as places for social gatherings and entertainment.

Roman bath in Bath, England

Caracalla's bathhouse in Rome

We have increased much silver and gold – הִרְבֵּה כֶּסֶף וְזָהָב הִרְבֵּינוּ:

Roman relief of tax collector and citizen paying taxes

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יָצָאת מַלְכוּת רוֹמִי, וְנִכְנְסָה מַלְכוּת פָּרַס אַחֲרֶיהָ. מַאי טַעְמָא? דְּהָא חֲשִׁיבָא בַּתְרָהּ. וּמְנָלַן? דִּכְתִיב: ״וְאֵרוּ חַיָּא אָחֳרִי תִנְיָנָא דְּמָיָא לְדֻבּ״, וְתָנֵי רַב יוֹסֵף: אֵלּוּ פָּרְסִיִּים, שֶׁאוֹכְלִין וְשׁוֹתִין כְּדוֹב, וּמְסוּרְבָּלִין [בָּשָׂר] כְּדוֹב, וּמְגַדְּלִין שֵׂעָר כְּדוֹב, וְאֵין לָהֶם מְנוּחָה כְּדוֹב.

The Roman Empire leaves, and the Persian Empire[B] **enters after it. What is the reason** that the Persian Empire enters second? The reason is **that after** the Roman Empire it is the next most **important. And from where do we** derive this? **As it is written** in Daniel's vision: **"And behold**[N] **another beast, a second, like a bear"** (Daniel 7:5). **And Rav Yosef teaches: These are the Persians,** who are compared to a bear, **as they eat and drink** copious amounts **as** does **a bear, and they are fleshy like a bear, and they grow** their **hair** long **as** does **a bear,**[B] **and they never rest, like a bear,** which is constantly on the move from one place to another.

אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: בְּמַאי עֲסַקְתֶּם? אוֹמְרִים לְפָנָיו: רִבּוֹנוֹ שֶׁל עוֹלָם, הַרְבֵּה גְּשָׁרִים גָּשַׁרְנוּ, הַרְבֵּה כְּרָכִים כָּבַשְׁנוּ, הַרְבֵּה מִלְחָמוֹת עָשִׂינוּ, וְכוּלָּם לֹא עָשִׂינוּ אֶלָּא בִּשְׁבִיל יִשְׂרָאֵל כְּדֵי שֶׁיִּתְעַסְּקוּ בַּתּוֹרָה.

The Holy One, Blessed be He, says to them: With what did you occupy yourselves? They say before Him in response: **Master of the Universe, we have built many bridges, we have conquered may cities,** and **we have fought many wars. And we did all** of this **only for** the sake of **the Jewish people, so that they would engage in Torah** study.

אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: כָּל מַה שֶּׁעֲשִׂיתֶם – לְצוֹרֶךְ עַצְמְכֶם עֲשִׂיתֶם, תִּקַּנְתֶּם גְּשָׁרִים – לִיטוֹל מֶהֶם מֶכֶס, כְּרָכִים – לַעֲשׂוֹת בָּהֶם אַנְגַרְיָא, מִלְחָמוֹת – אֲנִי עָשִׂיתִי, שֶׁנֶּאֱמַר: ״ה׳ אִישׁ מִלְחָמָה״, כְּלוּם יֵשׁ בָּכֶם מַגִּיד זֹאת? שֶׁנֶּאֱמַר: ״מִי בָכֶם יַגִּיד זֹאת״, וְאֵין ״זֹאת״ אֶלָּא תּוֹרָה, שֶׁנֶּאֱמַר: ״וְזֹאת הַתּוֹרָה אֲשֶׁר שָׂם מֹשֶׁה״! מִיָּד יָצְאוּ מִלְּפָנָיו בְּפַחֵי נֶפֶשׁ.

The Holy One, Blessed be He, says to them: Everything that you did, you did for your own needs. You established bridges to collect taxes from all who pass over **them.** You conquered **cities to use** their residents for **forced labor** [***angareya***];[L] and with regard to fighting the **wars, I wage** wars,[N] and your success is from Me, **as it is stated: "The Lord is a man of war"** (Exodus 15:3). **Is there no one among you who can declare** that they have studied **this** Torah? **As it is stated: "Who among them can declare this"** (Isaiah 43:9), **and "this"** is referring to **nothing other than the Torah, as it is stated: "And this is the Torah that Moses set"** (Deuteronomy 4:44). **Immediately,** the members of the Persian Empire **leave from before Him disappointed.**

וְכִי מֵאַחַר דְּחָזֵית מַלְכוּת פָּרַס לְמַלְכוּת רוֹמִי דְּלָא מְהַנְיָא וְלָא מִידֵּי, מַאי טַעְמָא עָיְילָא? אָמְרִי: אֵינְהוּ סָתְרִי בֵּית הַמִּקְדָּשׁ, וְאֲנַן בָּנֵינַן. וְכֵן לְכָל אוּמָּה וְאוּמָּה.

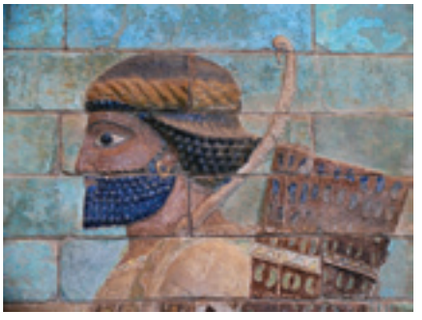
The Gemara asks: **But once the Persian Empire sees that** everything said by **the Roman Empire is completely ineffective, what is the reason** that they **come** forward? The Gemara answers: They believe that their claims will be more effective, as **they say:** The Romans **destroyed the** Second **Temple, and we** had **built** it, as the Second Temple was constructed under the auspices and with the encouragement of Cyrus, the king of Persia. The Gemara adds: **And likewise,** a similar exchange occurred **with each and every nation.**

BACKGROUND

Persian Empire – מַלְכוּת פָּרַס: The Persian emperors, in particular the Parthians, and to a large extent the Persians rulers who followed them, invested much of their energy in war. The Persian cavalry, which was the most powerful division of their army, was engaged in constant war with both the Romans and other nations to the north and east.

The bridges mentioned here allude to some of the colossal building projects undertaken by the Persians, such as the giant bridge crossing the Tigris River at Ctesiphon. These projects were most prominent in Babylonia, a country with a need for many bridges due to its numerous great and wide rivers.

Grow their hair as a bear – מְגַדְּלִין שֵׂעָר כְּדוֹב: This is referring to the custom of the Persians to grow their hear and beards. Since this was not typically done by Romans or most other nations, the Persians appeared hairier than the inhabitants of other lands.



Persian glazed bricks depicting an archer with long hair and beard

LANGUAGE

Forced labor [*angareya*] – אַנְגַרְיָא: From the Greek ἀγγαρεία, *angareia*, meaning forced labor performed for the ruling authorities.

NOTES

As it is written, and behold, etc. – דִּכְתִיב וַאֲרוּ וכו׳: The verse does not prove that the Persian Empire was the second empire in importance, as the Babylonian Empire appears before the Persian Empire in Daniel's vision. Rather, the verse is cited in demonstration that the Persian Empire is a significant empire, since it appears in Daniel's vision as one of the four empires that rule the world. The real proof that the Persian Empire is second in importance only to the Roman Empire is that the kingship of the Persian and Roman Empires extend until the coming of the Messiah, as the Gemara soon states (Rid).

With regard to fighting the wars, I wage wars – מִלְחָמוֹת אֲנִי עָשִׂיתִי: You claim that you waged wars to allow the Jewish people to sit in peace and study Torah without being attacked by their enemies. In truth it is I who determines the outcome of wars, and I allowed you to become successful, knowing that if you lost to other nations, you would take out your anger upon the Jewish people (Ra'avad).

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וְכִי מֵאַחַר דְּחָזוּ לְקַמָּאֵי דְּלָא מְהַנֵּי וְלָא מִידֵּי, מַאי טַעְמָא עָיְילִי? סָבְרִי: הָנָךְ אִישְׁתַּעְבְּדוּ בְּהוּ בְּיִשְׂרָאֵל, וַאֲנַן לֹא שְׁעַבְּדִינוּ בְּיִשְׂרָאֵל. מַאי שְׁנָא הָנֵי דַּחֲשִׁיבִי, וּמַאי שְׁנָא הָנֵי דְּלָא חֲשִׁיבִי לְהוּ? מְשׁוּם דְּהָנָךְ מָשְׁכִי בְּמַלְכוּתַיְיהוּ עַד דְּאָתֵי מְשִׁיחָא.

The Gemara asks: **But once** the other nations **see that** everything said by **the first ones,** Rome and Persia, **is completely ineffective, what is the reason** that they **come** forward? The Gemara answers that **they think: Those** Empires **subjugated the Jewish people, but we did not subjugate the Jewish people.** The Gemara further asks: **What is different** about **these,** Rome and Persia, **which were singled out** explicitly, **and what is different** about **those** other empires that come afterward, **which were not singled out** and mentioned by name? It is **because** with regard to **these,** Rome and Persia, **their kingship extends until the coming of the Messiah.**

אוֹמְרִים לְפָנָיו: רִבּוֹנוֹ שֶׁל עוֹלָם, כְּלוּם נָתַתָּ לָנוּ וְלֹא קִיבַּלְנוּהָ? וּמִי מָצֵי לְמֵימַר הָכִי? וְהָכְתִיב: ״וַיֹּאמַר ה׳ מִסִּינַי בָּא וְזָרַח מִשֵּׂעִיר לָמוֹ״, וּכְתִיב: ״אֱלוֹהַּ מִתֵּימָן יָבוֹא״ וגו׳; מַאי בָּעֵי בְּשֵׂעִיר וּמַאי בָּעֵי בְּפָארָן?

The nations will **say before** God: **Master of the Universe, did You give us** the Torah **and we did not accept it?** Since we never received the Torah, why are we being judged for not fulfilling its mitzvot? The Gemara asks: **And can one say that** they were never offered the Torah? **But isn't it written** in the description of the giving of the Torah: **"And he said: The Lord came from Sinai, and rose from Seir unto them"** (Deuteronomy 33:2), **and it is written: "God comes from Teman,** and the Holy One from mount Paran" (Habakkuk 3:3). And the Sages asked: **What** did God **require in Seir and what** did He **require in Paran?** The Torah was not given in those locations.

אָמַר רַבִּי יוֹחָנָן: מְלַמֵּד שֶׁהֶחֱזִירָהּ הַקָּדוֹשׁ בָּרוּךְ הוּא עַל כָּל אוּמָּה וְלָשׁוֹן וְלֹא קִבְּלוּהָ, עַד שֶׁבָּא אֵצֶל יִשְׂרָאֵל וְקִבְּלוּהָ!

And **Rabbi Yoḥanan says:** This **teaches that the Holy One, Blessed be He, took** the Torah **around to every nation and** those who speak every **language,** such as the Edomites in Seir and the Ishmaelites in Paran, **but they did not accept it, until He came to the Jewish people and they accepted it.** If the other nations all rejected the Torah, how can they excuse themselves by claiming that it was never offered to them?

אֶלָּא הָכִי אָמְרִי: כְּלוּם קִיבַּלְנוּהָ וְלֹא קִיְימְנוּהָ? וְעַל דָּא תִּבְרְתְּהוֹן, אַמַּאי לָא קַבִּלְתּוּהָ? אֶלָּא כָּךְ אוֹמְרִים לְפָנָיו: רִבּוֹנוֹ שֶׁל עוֹלָם, כְּלוּם כָּפִיתָ עָלֵינוּ הַר כְּגִיגִית וְלֹא קִבַּלְנוּהָ, כְּמוֹ שֶׁעָשִׂיתָ לְיִשְׂרָאֵל?

Rather, this is what **they say: Did we accept** the Torah **and** then **not fulfill** its mitzvot? The Gemara asks: **But this** itself **serves as the refutation of their** own claim, as one can respond: **Why didn't you accept it? Rather, this** is what the nations of the world **say before Him: Master of the Universe, did You overturn the mountain above us like a basin, and we** still **did not accept** the Torah, **as You did for the Jewish people?**

דִּכְתִיב: ״וַיִּתְיַצְּבוּ בְּתַחְתִּית הָהָר״, וְאָמַר רַב דִּימִי בַּר חָמָא: מְלַמֵּד שֶׁכָּפָה הַקָּדוֹשׁ בָּרוּךְ הוּא הַר כְּגִיגִית עַל יִשְׂרָאֵל, וְאָמַר לָהֶם: אִם אַתֶּם מְקַבְּלִין אֶת הַתּוֹרָה – מוּטָב, וְאִם לָאו – שָׁם תְּהֵא קְבוּרַתְכֶם!

The Gemara provides the background for this claim: **As it is written: "And they stood at the nether part of the mount"** (Exodus 19:17), **and Rav Dimi bar Ḥama says:** The verse **teaches that the Holy One, Blessed be He, overturned the mountain,** i.e., Mount Sinai, **above the Jews like a basin, and** He **said to them: If you accept the Torah, excellent, and if not, there,** under the mountain, **will be your burial.** The nations of the world will claim that they too could have been coerced to accept the Torah.

מִיָּד אוֹמֵר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: הָרִאשׁוֹנוֹת יַשְׁמִיעוּנוּ, שֶׁנֶּאֱמַר: ״וְרִאשׁוֹנוֹת יַשְׁמִיעֻנוּ״, שֶׁבַע מִצְוֹת שֶׁקִּיבַּלְתֶּם הֵיכָן קִיְימְתֶם?

Immediately, the Holy One, Blessed be He, says to them: The first mitzvot **will let us hear** the truth, **as it is stated** in the continuation of the same verse under discussion: **"And announce to us the first things"** (Isaiah 43:9). With regard to the **seven** Noahide **mitzvot** that preceded the giving of the Torah **that** even **you accepted, where** is the proof that **you fulfilled them?**

וּמִנַּלַן דְּלָא קִיְימוּם? דְּתָנֵי רַב יוֹסֵף: ״עָמַד וַיְמֹדֵד אֶרֶץ רָאָה וַיִּתֵּר גּוֹיִם״, מַאי רָאָה? רָאָה שֶׁבַע מִצְוֹת שֶׁקִּבְּלוּ עֲלֵיהֶן בְּנֵי נֹחַ וְלֹא קִיְימוּם, כֵּיוָן שֶׁלֹּא קִיְימוּם – עָמַד וְהִתִּירָן לָהֶן. אִיתַּגּוּרֵי אִיתַּגּוּר? אִם כֵּן מָצִינוּ חוֹטֵא נִשְׂכָּר!

The Gemara asks: **And from where do we** derive **that they did not fulfill them? As Rav Yosef teaches** in explanation of the verse: **"He stands, and shakes the earth, He sees, and makes the nations tremble** [*vayater*]" (Habakkuk 3:6): **What did** God **see? He saw** the **seven mitzvot that the descendants of Noah accepted upon themselves, and** He saw that they **did not fulfill them. Since they did not fulfill them, He arose and nullified for them** [*vehitiran*] the command to heed these mitzvot. The Gemara asks: Do they **gain** from not obeying, as they are now released from the obligation to fulfill these mitzvot? **If so, we find** that **a sinner profits** from his transgression.

אָמַר מָר בְּרֵיהּ דְּרָבִינָא:

Mar, son of Ravina, said:

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לוֹמַר, שֶׁאַף עַל פִּי שֶׁמְּקַיְּימִין אוֹתָן – אֵין מְקַבְּלִין עֲלֵיהֶם שָׂכָר.

This serves **to say that even if they fulfill** the seven Noahide mitzvot **they do not receive a reward for their** fulfilment.

וְלָא? וְהָתַנְיָא, הָיָה רַבִּי מֵאִיר אוֹמֵר: מִנַּיִן שֶׁאֲפִילּוּ גּוֹי וְעוֹסֵק בַּתּוֹרָה שֶׁהוּא כְּכֹהֵן גָּדוֹל? תַּלְמוּד לוֹמַר: ״אֲשֶׁר יַעֲשֶׂה אֹתָם הָאָדָם וָחַי בָּהֶם״, כֹּהֲנִים לְוִיִּם וְיִשְׂרְאֵלִים לֹא נֶאֱמַר, אֶלָּא ״הָאָדָם״, הָא לָמַדְתָּ, שֶׁאֲפִילּוּ גּוֹי וְעוֹסֵק בַּתּוֹרָה – הֲרֵי הוּא כְּכֹהֵן גָּדוֹל!

The Gemara asks: **And** are they **not** rewarded for fulfilling those mitzvot? **But isn't it taught** in a *baraita* that **Rabbi Meir would say: From where** is it derived **that even a gentile who engages in Torah** study[N] **is** considered **like a High Priest? The verse states:** "You shall therefore keep My statutes and My ordinances, **which if a person do, and shall live by them"** (Leviticus 18:5). It **is not stated: Priests, Levites, and Israelites, but rather** the general term **"person."** From here **you learn that even a gentile who engages in** the study of **Torah is like a High Priest.** This demonstrates that gentiles are rewarded for fulfilling mitzvot, despite the fact that they are not commanded to do so.

אֶלָּא לוֹמַר לְךָ, שֶׁאֵין מְקַבְּלִין עֲלֵיהֶם שָׂכָר בִּמְצִוָּה וְעוֹשֶׂה אֶלָּא כְּמִי שֶׁאֵינוֹ מְצוָּה וְעוֹשֶׂה, דְּאָמַר רַבִּי חֲנִינָא: גָּדוֹל הַמְצוָּה וְעוֹשֶׂה יוֹתֵר מִשֶּׁאֵינוֹ מְצוָּה וְעוֹשֶׂה.

Rather, the verse serves **to tell you that they do not receive** as great **a reward for their** fulfillment **as one who is commanded and performs** a mitzva. **Rather,** they receive a lesser reward, **like** that of **one who is not commanded and** still **performs** a mitzva. **As Rabbi Ḥanina says: Greater is one who is commanded** to do a mitzva[H] **and performs** it[N] **than one who is not commanded and performs** it.

אֶלָּא כָּךְ אוֹמְרִים הַגּוֹיִם לִפְנֵי הַקָּדוֹשׁ בָּרוּךְ הוּא: רִבּוֹנוֹ שֶׁל עוֹלָם, יִשְׂרָאֵל שֶׁקִּיבְּלוּהָ הֵיכָן קִיְּימוּהָ?

The Gemara returns to the discussion between God and the nations of the world, whose claims are rejected with the rebuttal that they did not receive the Torah because they did not fulfill the seven Noahide mitzvot that were incumbent upon them. **Rather, this is what the gentiles say before the Holy One, Blessed be He: Master of the Universe,** as for **the Jewish people who accepted** the Torah, **where** is the evidence that **they fulfilled its** mitzvot?

אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: אֲנִי מֵעִיד בָּהֶם שֶׁקִּיְּימוּ אֶת הַתּוֹרָה כּוּלָּהּ. אוֹמְרִים לְפָנָיו: רִבּוֹנוֹ שֶׁל עוֹלָם, כְּלוּם יֵשׁ אָב שֶׁמֵּעִיד עַל בְּנוֹ? דִּכְתִיב: ״בְּנִי בְכוֹרִי יִשְׂרָאֵל״! אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: שָׁמַיִם וָאָרֶץ יָעִידוּ בָּהֶם שֶׁקִּיְּימוּ אֶת הַתּוֹרָה כּוּלָּהּ.

The Holy One, Blessed be He, says to them in response: **I** will **testify about** the Jewish people **that they fulfilled the Torah** in **its entirety.** The nations **say before Him: Master of the Universe, is there a father who can testify about his son? As it is written: "Israel is My son, My firstborn"** (Exodus 4:22). Since God is considered the Father of the Jewish people, He is disqualified from testifying on their behalf. **The Holy One, Blessed be He, said to them: Heaven and earth will testify about them that they fulfilled the Torah** in **its entirety.**

אוֹמְרִים לְפָנָיו: רִבּוֹנוֹ שֶׁל עוֹלָם, שָׁמַיִם וָאָרֶץ נוֹגְעִין בְּעֵדוּתָן, שֶׁנֶּאֱמַר: ״אִם לֹא בְּרִיתִי יוֹמָם וָלָיְלָה חֻקּוֹת שָׁמַיִם וָאָרֶץ לֹא שָׂמְתִּי״, (דְּאָמַר) [וְאָמַר] רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ, מַאי דִּכְתִיב: ״וַיְהִי עֶרֶב וַיְהִי בֹקֶר יוֹם הַשִּׁשִּׁי״? מְלַמֵּד שֶׁהִתְנָה הַקָּדוֹשׁ בָּרוּךְ הוּא עִם מַעֲשֵׂה בְרֵאשִׁית, וְאָמַר: אִם יִשְׂרָאֵל מְקַבְּלִין אֶת תּוֹרָתִי – מוּטָב, וְאִם לָאו – אֲנִי מַחֲזִיר אֶתְכֶם לְתוֹהוּ וָבוֹהוּ;

The nations **say before Him: Master of the Universe,** in this matter the **testimony of heaven and earth is** tainted by **a conflict of interest, as it is stated: "If My covenant be not with day and night,**[N] **I would not have appointed the ordinances of heaven and earth"** (Jeremiah 33:25). **And** concerning this verse, **Rabbi Shimon ben Lakish says: What** is the meaning of that **which is written: "And there was evening and there was morning, the sixth day"** (Genesis 1:31)?[N] This **teaches that the Holy One, Blessed be He, established a condition with the acts of Creation, and said: If the Jewish people accept My Torah** at the revelation at Sinai, all is **well, but if** they do **not** accept it, **I will return you to** the primordial state of **chaos and disorder.**

וְהַיְינוּ דְּאָמַר חִזְקִיָּה: מַאי דִּכְתִיב: ״מִשָּׁמַיִם הִשְׁמַעְתָּ דִּין אֶרֶץ יָרְאָה וְשָׁקָטָה״? אִם יָרְאָה לָמָּה שָׁקְטָה, וְאִם שָׁקְטָה לָמָּה יָרְאָה? אֶלָּא בַּתְּחִלָּה יָרְאָה וּלְבַסּוֹף שָׁקְטָה.

And this is similar to **that which Ḥizkiyya says** with regard to a different matter: **What** is the meaning of that **which is written: "You caused sentence to be heard from heaven; the earth feared, and was silent"** (Psalms 76:9)? **If** the earth **feared, why was it silent, and if it was silent, why did it fear?** One who is afraid does not stay silent, and one who remains silent thereby demonstrates that he is not afraid. **Rather,** this is the meaning of the verse: **At first,** when God came to give the Torah to the Jewish people, the earth **feared** that they might not accept it, and it would be destroyed. This is alluded to by the phrase "You caused sentence to be heard." **But ultimately,** when the Jews accepted the Torah, the earth **was silent.** Consequently, heaven and earth are interested parties and cannot testify about the Jewish people's commitment to the Torah.

NOTES

Even a gentile who engages in Torah study, etc. – אֲפִילּוּ גּוֹי וְעוֹסֵק בַּתּוֹרָה וכו׳: The Rashba explains that gentiles are prohibited from studying mitzvot that were given exclusively to the Jewish people and that this is referring to a gentile who studies the mitzvot that are relevant to him. A Jew is likewise prohibited from teaching him those mitzvot (see *Sanhedrin* 59a and Meiri there).

Greater is one who is commanded to do a mitzva and performs it – גָּדוֹל הַמְצוָּה וְעוֹשֶׂה: When one is obligated to perform a mitzva he knows that he has no choice in the matter and it serves as a source of stress for him, causing him to give in to his evil inclination and neglect the mitzva. By contrast, one who is not obligated to perform the mitzva is not subject to this temptation (*Tosafot*; Meiri). Alternatively, if one is commanded to perform a mitzva and he does so, he thereby fulfills the will of God, whereas one who does the same action without being commanded merely performs a positive action, but he does not fulfill God's command (Maharal).

My covenant be not with day and night – בְּרִיתִי יוֹמָם וָלָיְלָה: The Torah was given as a covenant, which applies during both the day and night. Rashi explains that the Torah was given to be studied day and night, as in the verse: "And you shall meditate on it day and night" (Joshua 1:8).

The sixth day – יוֹם הַשִּׁשִּׁי: In contrast to the other days of creation, the sixth day is preceded by the definitive article, represented by the letter *heh*. This superfluous letter is interpreted homiletically as alluding to the giving of the Torah. According to one explanation, the definitive article is a reference to the giving of the Torah because the Torah was given on the sixth day of the month of Sivan (Rashi). Alternatively, the letter *heh*, which has the numerical value of five, alludes to the five books of the Torah (*Tosefot Ḥakhmei Angliyya*; see Rashi's commentary on Genesis 1:31).

HALAKHA

Greater is one who is commanded to do a mitzva – גָּדוֹל הַמְצוָּה: If one performs a mitzva that he is not commanded to do, his reward is less than the reward received by one who is obligated to perform the mitzva. This ruling is in accordance with the statement of Rabbi Ḥanina (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 1:13; *Shulḥan Arukh*, *Yoreh De'a* 246:6).

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אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא: מִכֶּם יָבֹאוּ וְיָעִידוּ בָּהֶן בְּיִשְׂרָאֵל שֶׁקִּיְּימוּ אֶת הַתּוֹרָה כּוּלָּהּ: יָבֹא נִמְרוֹד וְיָעִיד בְּאַבְרָהָם שֶׁלֹּא עָבַד עֲבוֹדָה זָרָה, יָבֹא לָבָן וְיָעִיד בְּיַעֲקֹב שֶׁלֹּא נָחְשַׁד עַל הַגֵּזֶל, תָּבֹא אֵשֶׁת פּוֹטִיפַרְע וְתָעִיד בְּיוֹסֵף שֶׁלֹּא נָחְשַׁד עַל הָעֲבֵירָה,

Instead, **the Holy One, Blessed be He, says to** the nations: **Let** the witnesses **come from among you and testify that the Jewish people fulfilled the Torah** in **its entirety. Let Nimrod come and testify about Abraham**[N] **that he did not engage in idol worship. Let Laban come and testify about Jacob that he is not suspect with regard to robbery** (see Genesis 31:36–42). **Let the wife of Potiphar come and testify about Joseph that he is not suspect with regard to the sin** of adultery (see Genesis 39:7–12).

יָבֹא נְבוּכַדְנֶצַּר וְיָעִיד בַּחֲנַנְיָה מִישָׁאֵל וַעֲזַרְיָה שֶׁלֹּא הִשְׁתַּחֲווּ לַצֶּלֶם, יָבֹא דָּרְיָוֶשׁ וְיָעִיד בְּדָנִיֵּאל שֶׁלֹּא בִּיטֵּל אֶת הַתְּפִלָּה, יָבֹא בִּלְדַּד הַשּׁוּחִי וְצוֹפַר הַנַּעֲמָתִי וֶאֱלִיפַז הַתֵּימָנִי וֶאֱלִיהוּ בֶּן בַּרַכְאֵל הַבּוּזִי וְיָעִידוּ בָּהֶם בְּיִשְׂרָאֵל שֶׁקִּיְּימוּ אֶת כָּל הַתּוֹרָה כּוּלָּהּ, שֶׁנֶּאֱמַר: ״יִתְּנוּ עֵדֵיהֶם וְיִצְדָּקוּ״.

Let Nebuchadnezzar come and testify about Hananiah, Mishael, and Azariah that they did not prostrate themselves before a graven **image. Let Darius come and testify about Daniel that he did not neglect** his **prayer** (see Daniel 6). **Let Bildad the Shuhite, and Zophar the Naamathite, and Eliphaz the Temanite, and Elihu, son of Barachel,**[N] **the Buzite,** friends of Job (see Job 2:11 and 32:2) **come and testify about the Jewish people that they fulfilled the Torah** in **its entirety. As it is stated:** "All the nations are gathered together… **let them bring their witnesses, that they may be justified"** (Isaiah 43:9), i.e., the gathered gentiles will submit testimony on behalf of the Jewish people and demonstrate the Jews' righteousness.

אָמְרוּ לְפָנָיו: רִבּוֹנוֹ שֶׁל עוֹלָם, תְּנָה לָנוּ מֵרֹאשׁ וְנַעֲשֶׂנָּה. אָמַר לָהֶן הַקָּדוֹשׁ בָּרוּךְ הוּא: שׁוֹטִים שֶׁבָּעוֹלָם, מִי שֶׁטָּרַח בְּעֶרֶב שַׁבָּת יֹאכַל בְּשַׁבָּת, מִי שֶׁלֹּא טָרַח בְּעֶרֶב שַׁבָּת מֵהֵיכָן יֹאכַל בְּשַׁבָּת? אֶלָּא אַף עַל פִּי כֵן, מִצְוָה קַלָּה יֵשׁ לִי וְסוּכָּה שְׁמָהּ, לְכוּ וַעֲשׂוּ אוֹתָהּ.

The gentiles **say before Him: Master of the Universe, give us** the Torah **afresh and we will perform** its mitzvot. **The Holy One, Blessed be He, says to them** in response: **Fools of the world!** Do you think you can request this? **One who takes pains on Shabbat eve will eat on Shabbat,** but **one who did not take pains on Shabbat eve, from where will he eat on Shabbat?** The opportunity for performing mitzvot has already passed, and it is now too late to ask to perform them. **But even so, I have an easy mitzva** to fulfill, **and its name is *sukka*; go and perform it.**

וּמִי מָצֵית אָמְרַתְּ הָכִי? וְהָא אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, מַאי דִּכְתִיב: ״אֲשֶׁר אָנֹכִי מְצַוְּךָ הַיּוֹם״? הַיּוֹם לַעֲשׂוֹתָם – וְלֹא לְמָחָר לַעֲשׂוֹתָם, הַיּוֹם לַעֲשׂוֹתָם – וְלֹא הַיּוֹם לִיטּוֹל שָׂכָר!

The Gemara asks: **And how can you say so,** that it is possible to perform a mitzva after the end of this world? **But doesn't Rabbi Yehoshua ben Levi say: What** is the meaning of that **which is written:** "You shall therefore keep the commandment, and the statutes, and the ordinances, **which I command you this day,** to do them" (Deuteronomy 7:11)? This verse teaches that **today,** in this world, is the time **to do them, but tomorrow,** in the World-to-Come, **is not** the time **to do them.** Furthermore, **today** is the time **to do them, but today is not** the time **to receive** one's **reward,**[N] which is granted in the World-to-Come.

אֶלָּא, שֶׁאֵין הַקָּדוֹשׁ בָּרוּךְ הוּא בָּא בִּטְרוּנְיָא עִם בְּרִיּוֹתָיו. וְאַמַּאי קָרֵי לֵיהּ ״מִצְוָה קַלָּה״? מִשּׁוּם דְּלֵית בֵּיהּ חֶסְרוֹן כִּיס.

The Gemara explains: **But** even so, God gave the nations an opportunity to perform a mitzva, **as The Holy One, Blessed be He, does not deal tyrannically** [*beteruneya*][L] **with His creations,** but wants them to feel that they have been judged fairly. The Gemara asks: **And why** does God **call** the mitzva of *sukka* **an easy mitzva** to fulfill? **Because** performing the mitzva **involves no monetary loss.**

מִיָּד כָּל אֶחָד וְאֶחָד נוֹטֵל וְהוֹלֵךְ וְעוֹשֶׂה סוּכָּה בְּרֹאשׁ גַּגּוֹ, וְהַקָּדוֹשׁ בָּרוּךְ הוּא מַקְדִּיר עֲלֵיהֶם חַמָּה בְּתְקוּפַת תַּמּוּז, וְכָל אֶחָד וְאֶחָד מְבַעֵט בְּסוּכָּתוֹ וְיוֹצֵא, שֶׁנֶּאֱמַר: ״נְנַתְּקָה אֶת מוֹסְרוֹתֵימוֹ וְנַשְׁלִיכָה מִמֶּנּוּ עֲבֹתֵימוֹ״. מַקְדִּיר? וְהָא אָמַרְתְּ: אֵין הַקָּדוֹשׁ בָּרוּךְ הוּא בָּא בִּטְרוּנְיָא עִם בְּרִיּוֹתָיו! מִשּׁוּם דְּיִשְׂרָאֵל נַמִּי זִימְנֵי

Immediately, each and every gentile will **take** materials **and go and construct a *sukka* on top of his roof. And the Holy One, Blessed be He,** will **set upon them the heat** [*makdir*][L] **of the sun in the season of Tammuz,** i.e., the summer, **and each and every one** who is sitting in his *sukka* will be unable to stand the heat, and he will **kick his *sukka* and leave, as it is stated: "Let us break their bands asunder, and cast away their cords from us"** (Psalms 2:3). The Gemara asks: Why does God **heat** the sun over them? **But didn't you say** that **the Holy One, Blessed be He, does not deal tyrannically with His creations?** The Gemara answers: This is not considered dealing tyrannically with the gentiles, **because for the Jewish people as well,** there are **times**

NOTES

Testify about Abraham, etc. – יָעִיד בְּאַבְרָהָם וכו׳: As explained in the Midrash, Nimrod cast Abraham into a fiery furnace due to Abraham's refusal to engage in idol worship (see *Bereshit Rabba* 38:13).

Elihu son of Barachel – אֱלִיהוּ בֶּן בַּרַכְאֵל: According to Rashi, Elihu should not be included in this list, as the Gemara states elsewhere that Elihu was a Jew (*Bava Batra* 15b). This is also the reason that Job is not included in the list, since according to one opinion he too was a Jew.

Today is not the time to receive one's reward – לֹא הַיּוֹם לִיטּוֹל שָׂכָר: If reward were given immediately, in this world, mankind would lose its free choice to decide how to act. Therefore, the principle reward for one's actions is granted in the World-to-Come. There are certain exceptions of mitzvot whose reward is promised in this world, but even in those cases the Sages maintain that although one enjoys a reward in this world, the principal reward remains for him in the World-to-Come.

LANGUAGE

Tyranically [*teruneya*] – טְרוּנְיָא: From the Greek τυραννία, *turannia*, meaning the rule of a tyrant or despot. Here it means that God does not deal tyrannically with his creatures, but rather acts with justice and compassion.

Sets the heat [*makdir*] – מַקְדִּיר: The principal meaning of the root of this word is unclear. Rashi explains that *kadar* refers to a hole, and therefore the Gemara is saying that God formed a hole, as it were, in the firmament and brought forth the sun. Some say that it belongs to the category of roots that can have opposite meanings, and therefore the root *kadar* here means to shine, the opposite of its standard meaning of darkness. Alternatively, it means to heat or boil, which leads to the term *kedeira*, meaning a pot used for cooking.

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BACKGROUND

Season of Tammuz – תְּקוּפַת תַּמּוּז: This is the summer season, from the longest day of the year, June 21, until the autumnal equinox on September 21. As the Hebrew calendar is not set precisely in accordance with the sun, it is possible for the festival of *Sukkot* to begin during the summer season. Consequently, in certain years the weather is warmer during the festival of *Sukkot* than in others.

HALAKHA

One who suffers in the *sukka* is exempt from the *sukka* – מְצָטָעֵר פָּטוּר מִן הַסּוּכָּה: One who suffers in the *sukka* is exempt from this mitzva for the entire Festival except for the first night, when he is obligated to eat an olive-bulk of food in the *sukka* (Rema). Suffering in this context is referring to one who is unable to sleep in the *sukka* due to the wind, odor, flies, or any other reason that causes him affliction. This also includes one who cannot remain in the *sukka* due to illness. The *halakha* is in accordance with the statement of Rava (Rambam *Sefer Zemanim*, *Hilkhot Sukka* 6:2; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 640:4).

Should one kick it – בַּעוֹטֵי מִי מְבַעֲטִי: When one leaves the *sukka* due to rain, he should not kick the *sukka* and leave; rather, he should act submissively, like a servant who brought his master a drink and had it thrown in his face (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 639:7).

The court does not accept converts in the days of the Messiah – אֵין מְקַבְּלִין גֵּרִים לִימוֹת הַמָּשִׁיחַ: The court should not accept converts when there is any suspicion that they are not converting for the sake of Heaven. This is why they did not accept converts in the time of King David, in case they converted out of fear, or during the time of King Solomon, as perhaps their true motivation was to share in the success of the Jewish people (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 13:15; *Shulḥan Arukh*, *Yoreh De'a* 268:12).

דְּמַשְׁכָא לְהוּ תְּקוּפַת תַּמּוּז עַד חַגָּא, וְהָוֵי לְהוּ צַעֲרָא. וְהָאָמַר רָבָא: מְצָטָעֵר פָּטוּר מִן הַסּוּכָּה! נְהִי דְּפָטוּר, בַּעוֹטֵי מִי מְבַעֲטִי?

when the season of Tammuz[B] extends until the festival of *Sukkot*, **and** in such years sitting in the *sukka* **causes them suffering.** The Gemara asks: **But doesn't Rava say** that **one who suffers** in the *sukka* **is exempt from** performing **the** mitzva of ***sukka*,**[H] and under these circumstances even a Jew is permitted to leave the *sukka*? If so, why are the gentiles criticized for leaving? The Gemara answers: **Granted that one is exempt** from performing the mitzva and is permitted to leave his *sukka*, but **should one kick** it?[H]

מִיָּד, הַקָּדוֹשׁ בָּרוּךְ הוּא יוֹשֵׁב וּמְשַׂחֵק עֲלֵיהֶן, שֶׁנֶּאֱמַר: ״יוֹשֵׁב בַּשָּׁמַיִם יִשְׂחָק״ וגו׳. אָמַר רַבִּי יִצְחָק: אֵין שְׂחוֹק לִפְנֵי הַקָּדוֹשׁ בָּרוּךְ הוּא אֶלָּא אוֹתוֹ הַיּוֹם בִּלְבַד.

The Gemara resumes its narration: **Immediately, the Holy One, Blessed be He, sits and makes sport of** those gentiles, i.e., He laughs at them, **as it is stated: "He that sits in heaven makes sport,** the Lord has them in derision" (Psalms 2:4). With regard to this verse, **Rabbi Yitzḥak says: There is no making sport for the Holy One, Blessed be He, but on that day alone.**

אִיבָּא דְּמַתְנִי לְהָא דְּרַבִּי יִצְחָק אַהָא, דְּתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: לֶעָתִיד לָבֹא בָּאִין אוּמּוֹת הָעוֹלָם וּמִתְגַּיְּירִין. וּמֵי מְקַבְּלִינַן מִינַּיְיהוּ? וְהָתַנְיָא: אֵין מְקַבְּלִין גֵּרִים לִימוֹת הַמָּשִׁיחַ, כֵּיוָן שֶׁיָּצָא בּוֹ לֹא קִבְּלוּ גֵּרִים לֹא בִּימֵי דָּוִד וְלֹא בִּימֵי שְׁלֹמֹה!

There are those **who teach that which Rabbi Yitzḥak** subsequently said **with regard to this** matter, **as it is taught** in a *baraita* that **Rabbi Yosei says: In the future, the nations of the world** will **come and convert.** The Gemara asks: **And do we accept them** as converts at that time? **But isn't it taught** in another *baraita*: The court **does not accept converts in the days of the Messiah;**[H] **similarly, they did not accept converts either in the days of David or in the days of Solomon,** due to a concern that these people wanted to convert for ulterior motives, because the Jewish people were mighty and respected?

אֶלָּא שֶׁנַּעֲשׂוּ גֵּרִים גְּרוּרִים, וּמַנִּיחִין תְּפִילִּין בְּרָאשֵׁיהֶן, תְּפִילִּין בִּזְרוֹעוֹתֵיהֶם, צִיצִית בִּבִגְדֵיהֶם, מְזוּזָה בְּפִתְחֵיהֶם.

Rather, Rabbi Yosei means **that they become converts** who have **attached** themselves[N] to the Jewish people, **and they don phylacteries on their heads, phylacteries on their arms,** place **ritual fringes on their garments,** and a ***mezuza* in their doorways.**

כֵּיוָן שֶׁרוֹאִין מִלְחֶמֶת גּוֹג וּמָגוֹג, אוֹמֵר לָהֶן: עַל מָה בָּאתֶם? אוֹמְרִים לוֹ: עַל ה׳ וְעַל מְשִׁיחוֹ, שֶׁנֶּאֱמַר: ״לָמָּה רָגְשׁוּ גּוֹיִם וּלְאֻמִּים יֶהְגּוּ רִיק״ וגו׳,

When these converts **see the war of Gog and Magog,** every convert of this sort will **say to** Gog and Magog: **For what** purpose **did you come? They** will **say to him:** We came to fight **against the Lord and against His Messiah, as it is stated: "Why are the nations in an uproar? And why do the peoples mutter in vain.** The kings of the earth stand up, and the rulers take counsel together, against the Lord, and against His Messiah" (Psalms 2:1–2).

וְכָל אֶחָד מְנַתֵּק מִצְוָתוֹ וְהוֹלֵךְ, שֶׁנֶּאֱמַר: ״נְנַתְּקָה אֶת מוֹסְרוֹתֵימוֹ״ וגו׳, וְהַקָּדוֹשׁ בָּרוּךְ הוּא יוֹשֵׁב וּמְשַׂחֵק, שֶׁנֶּאֱמַר: ״יוֹשֵׁב בַּשָּׁמַיִם יִשְׂחָק״ וגו׳; אָמַר רַבִּי יִצְחָק: אֵין לוֹ לְהַקָּדוֹשׁ בָּרוּךְ הוּא שְׂחוֹק אֶלָּא אוֹתוֹ הַיּוֹם בִּלְבַד.

And then **every one** of these converts will **tear loose his** sign of performance of **a mitzva and leave, as it is stated: "Let us tear their bands asunder,** and cast away their cords from us" (Psalms 2:3). **And the Holy One, Blessed be He, sits and makes sport,** i.e., laughs or rejoices, **as it is stated: "He that sits in heaven makes sport,** the Lord has them in derision" (Psalms 2:4). **Rabbi Yitzḥak says: There is no making sport for the Holy One, Blessed be He, but on that day alone.**

אִינִי? וְהָא אָמַר רַב יְהוּדָה אָמַר רַב: שְׁתֵּים עֶשְׂרֵה שָׁעוֹת הֲוֵי הַיּוֹם, שָׁלֹשׁ הָרִאשׁוֹנוֹת – הַקָּדוֹשׁ בָּרוּךְ הוּא יוֹשֵׁב וְעוֹסֵק בַּתּוֹרָה, שְׁנִיּוֹת – יוֹשֵׁב וְדָן אֶת כָּל הָעוֹלָם כּוּלּוֹ, כֵּיוָן שֶׁרוֹאֶה שֶׁנִּתְחַיֵּיב עוֹלָם כְּלָיָה, עוֹמֵד מִכִּסֵּא הַדִּין וְיוֹשֵׁב עַל כִּסֵּא רַחֲמִים.

The Gemara asks: **Is that so?** Is there is no other making sport for the Holy One, Blessed be He? **But doesn't Rav Yehuda say** that **Rav says: There are twelve hours** in **the day.** During **the first three, the Holy One, Blessed be He, sits and engages in Torah** study. During the **second** three hours, **He sits and judges the entire world. Once He sees that the world has rendered itself liable to destruction, He arises from the throne of judgment and sits on the throne of mercy,** and the world is not destroyed.

NOTES

Converts who have attached themselves – גֵּרִים גְּרוּרִים: Although they have not been accepted as converts, they attach themselves to the Jewish people and choose to act as converts (Rashi). Alternatively, these people were not converted by a standard court, but by a court comprised of three laymen. Such converts are not accepted immediately, but are examined and watched carefully, to see if they are sincere converts (Meiri).

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שְׁלִישִׁיּוֹת – יוֹשֵׁב וְזָן אֶת כָּל הָעוֹלָם כּוּלּוֹ מִקַּרְנֵי רְאֵמִים עַד בֵּיצֵי כִּנִּים, רְבִיעִיּוֹת – יוֹשֵׁב וּמְשַׂחֵק עִם לִוְיָתָן, שֶׁנֶּאֱמַר: ״לִוְיָתָן זֶה יָצַרְתָּ לְשַׂחֶק בּוֹ״! אָמַר רַב נַחְמָן בַּר יִצְחָק: עִם בְּרִיּוֹתָיו מְשַׂחֵק, וְעַל בְּרִיּוֹתָיו אֵינוֹ מְשַׂחֵק אֶלָּא אוֹתוֹ הַיּוֹם בִּלְבַד.

During the **third** set of three hours, the Holy One, Blessed be He, **sits and sustains the entire world, from the horns of wild oxen to the eggs of lice.** During the **fourth** three hours, **He sits and makes sport with the leviathan, as it is stated: "There is leviathan, whom You have formed to sport with"** (Psalms 104:26). Evidently, God makes sport every day, not only on that one day. **Rav Naḥman bar Yitzḥak says** in explanation: **He makes sport with His creations,** just as He sports with the leviathan; **He does not make sport of His creations**[N] **but on that day alone.**

אֲמַר לֵיהּ רַב אַחָא לְרַב נַחְמָן בַּר יִצְחָק: מִיּוֹם שֶׁחָרַב בֵּית הַמִּקְדָּשׁ אֵין שְׂחוֹק לְהַקָּדוֹשׁ בָּרוּךְ הוּא. וּמְנָלַן דְּלֵיכָּא שְׂחוֹק? אִילֵימָא מִדִּכְתִיב: ״וַיִּקְרָא ה׳ אֱלֹהִים צְבָאוֹת בַּיּוֹם הַהוּא לִבְכִי וּלְמִסְפֵּד וּלְקָרְחָה״ וגו׳, דִּלְמָא הַהוּא יוֹמָא וְתוּ לָא!

Rav Aḥa said to Rav Naḥman bar Yitzḥak: From the day the Temple was destroyed, there is no longer any **making sport for the Holy One, Blessed be He. And from where do we** derive **that there is no making sport? If we say** that it is **from** that **which is written: "And in that day did the Lord, the God of hosts, call to weeping, and to lamentation, and to baldness** and to girding with sackcloth" (Isaiah 22:12), that is inconclusive: **Perhaps that day** alone was called for weeping and lamentation, **and no additional** days.

אֶלָּא דִּכְתִיב: ״אִם אֶשְׁכָּחֵךְ יְרוּשָׁלַם תִּשְׁכַּח יְמִינִי, תִּדְבַּק לְשׁוֹנִי לְחִכִּי אִם לֹא אֶזְכְּרֵכִי״ – דִּלְמָא שִׂכְחָה הוּא דְּלֵיכָּא, אֲבָל שְׂחוֹק מִיהָא אִיכָּא! אֶלָּא מֵהָא: ״הֶחֱשֵׁיתִי מֵעוֹלָם אַחֲרִישׁ אֶתְאַפָּק״ וגו׳.

Rather, you might suggest that the source is **that it is written: "If I forget you, O Jerusalem, let my right hand forget her cunning. Let my tongue cleave to the roof of my mouth, if I do not remember you"** (Psalms 137:5–6). This is also inconclusive, as **perhaps there is no forgetting** of Jerusalem for God, **but in any event there is** still **making sport. Rather,** it is derived **from this** verse: **"I have long time held My peace, I have been still, and refrained Myself;** now will I cry like a travailing woman, gasping and panting at once" (Isaiah 42:14).

בְּרְבִיעִיּוֹת מַאי עָבֵיד? יוֹשֵׁב וּמְלַמֵּד תִּינוֹקוֹת שֶׁל בֵּית רַבָּן תּוֹרָה, שֶׁנֶּאֱמַר: ״אֶת מִי יוֹרֶה דֵּעָה וְאֶת מִי יָבִין שְׁמוּעָה גְּמוּלֵי מֵחָלָב עַתִּיקֵי מִשָּׁדָיִם״, לְמִי יוֹרֶה דֵּעָה וּלְמִי יָבִין שְׁמוּעָה? לִגְמוּלֵי מֵחָלָב וּלְעַתִּיקֵי מִשָּׁדָיִם.

The Gemara asks: If God no longer makes sport, **what does He** now **do during the fourth** three-hour period of the day? The Gemara answers: **He sits and teaches Torah to schoolchildren,**[N] **as it is stated: "Whom shall one teach knowledge? And whom shall one make to understand the message? Them that are weaned from the milk, them that are drawn from the breasts"** (Isaiah 28:9). The verse is interpreted in the following manner: **To whom** does God **teach knowledge, and to whom does He make to understand the message? To** those **who are** just **weaned from the milk and to** those **who are drawn from the breasts,** i.e., children only recently weaned from nursing.

וּמֵעִיקָּרָא מַאן הֲוָה מִיגְמַר לְהוּ? אִיבָּעֵית אֵימָא: מֵיטַטְרוֹן. וְאִיבָּעֵית אֵימָא: הָא וְהָא עָבֵיד.

The Gemara asks: **And initially,** before the destruction of the Temple, **who would teach** the schoolchildren? The Gemara answers: **If you wish, say** that the angel **Metatron**[L] would teach them, **and if you wish, say** instead that **He would do** both **this,** sport with the leviathan, **and that,** teach the schoolchildren; whereas after the destruction of the Temple in the fourth period of the day He only teaches the schoolchildren.

וּבְלֵילְיָא מַאי עָבֵיד? אִיבָּעֵית אֵימָא: מֵעֵין יְמָמָא. וְאִיבָּעֵית אֵימָא: רוֹכֵב עַל כְּרוּב קַל שֶׁלּוֹ וְשָׁט בִּשְׁמוֹנָה עָשָׂר אֶלֶף עוֹלָמוֹת, שֶׁנֶּאֱמַר: ״רֶכֶב אֱלֹהִים רִבֹּתַיִם אַלְפֵי שִׁנְאָן״, אַל תִּקְרֵי ״שִׁנְאָן״ אֶלָּא ״שֶׁאֵינָן״. וְאִיבָּעֵית אֵימָא: יוֹשֵׁב וְשׁוֹמֵעַ שִׁירָה מִפִּי חַיּוֹת, שֶׁנֶּאֱמַר: ״יוֹמָם יְצַוֶּה ה׳ חַסְדּוֹ וּבַלַּיְלָה שִׁירֹה עִמִּי״.

The Gemara asks: **And during** the twelve hours of **the night, what does** God **do?** The Gemara answers: **If you wish, say** that the night is **similar to the day,** i.e., God performs the same activities as in the day. **And if you wish, say** instead that He **rides on his light cherub and flies in eighteen thousand worlds, as it is stated: "The chariots of God are twenty thousand, even** [*shinan*] **thousands"** (Psalms 68:18). **Do not read** it as **even** [*shinan*], **rather** read it as: **That which are not** [*she'einan*]. Since the minimum of thousands is two thousand, the phrase: That which are not thousands, indicates that two thousand are not present, i.e., the chariots of God are twenty thousand minus two thousand, which means that God rides in eighteen thousand worlds. **And if you wish, say** instead that God **sits and listens to the songs from the mouths of the** angelic **creatures, as it is stated: "By day the Lord will command His loving-kindness, and in the night His song shall be with me"** (Psalms 42:9).[N]

NOTES

He does not make sport of his creations – עַל בְּרִיּוֹתָיו אֵינוֹ מְשַׂחֵק: Rashi explains that God does not make sport of his creations when they sin. Others explain that God does not laugh at them in their difficulties and downfalls, but He does rejoice with them when they are successful (see Maharsha, Maharal, and *Torat Ḥayyim*).

Teaches Torah to schoolchildren, etc. – מְלַמֵּד תִּינוֹקוֹת שֶׁל בֵּית רַבָּן תּוֹרָה וכו׳: The commentaries disagree whether this is referring to young children or schoolchildren who had died (Rashi), or living children. The Maharal explains that young schoolchildren are like unspoiled vessels, ready to be filled with knowledge, and therefore it is fitting that they should receive instruction from the source of all wisdom, God.

In the night His song shall be with me – בַּלַּיְלָה שִׁירֹה עִמִּי: King David is saying that by singing and playing music for God, he participates in the song that is played before Him at night (Rashi). In tractate *Ḥagiga* 12b, Rashi explains that at night the song sung in the Heavens by the divine creatures is joined with the song that David had sung during the day.

LANGUAGE

Metatron – מֵיטַטְרוֹן: The meaning of this word is unclear. Some claim it is from the Latin metator, meaning divider or fixer of boundaries, measurer, guide, or planner. Others maintain it comes from the Greek μετά θρόνος, *meta thronos*, which means behind the throne. According to this explanation, it is referring to the angel standing behind the Throne of Glory, as it were, the highest minister of God.

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אָמַר רַבִּי לֵוִי: כָּל הַפּוֹסֵק מִדִּבְרֵי תוֹרָה וְעוֹסֵק בְּדִבְרֵי שִׂיחָה – מַאֲכִילִין לוֹ גַּחֲלֵי רְתָמִים, שֶׁנֶּאֱמַר: ״הַקֹּטְפִים מַלּוֹחַ עֲלֵי שִׂיחַ וְשֹׁרֶשׁ רְתָמִים לַחְמָם״. אָמַר רֵישׁ לָקִישׁ: כָּל הָעוֹסֵק בַּתּוֹרָה בַּלַּיְלָה – הַקָּדוֹשׁ בָּרוּךְ הוּא מוֹשֵׁךְ עָלָיו חוּט שֶׁל חֶסֶד בַּיּוֹם, שֶׁנֶּאֱמַר: ״יוֹמָם יְצַוֶּה ה׳ חַסְדּוֹ וּבַלַּיְלָה שִׁירֹה עִמִּי״, מַה טַּעַם יוֹמָם יְצַוֶּה ה׳ חַסְדּוֹ – מְשׁוּם דְּבַלַּיְלָה שִׁירוֹ עִמִּי.

§ **Rabbi Levi says: Anyone who interrupts** his study **of words of Torah to occupy** himself **with mundane matters** will be **fed with the coals of the broom tree,**[B] **as it is stated: "They pluck salt-wort**[N] **from wormwood, and the roots of the broom are their food"** (Job 30:4). **Reish Lakish says:** With regard to **anyone who occupies** himself **with Torah at night,**[H] **the Holy One, Blessed be He, extends a thread of kindness over him by day, as it is stated: "By day, the Lord will command His kindness, and in the night His song shall be with me"** (Psalms 42:9). The verse is understood as follows: **What is the reason** that **by day, the Lord will command His kindness** to extend over him? It is **due to** the fact **that in the night His song is with me,** i.e., he occupies himself at night with Torah, which is referred to as a song.

אִיכָּא דְּאָמְרִי, אָמַר רֵישׁ לָקִישׁ: כָּל הָעוֹסֵק בַּתּוֹרָה בָּעוֹלָם הַזֶּה הַדּוֹמֶה לְלַיְלָה – הַקָּדוֹשׁ בָּרוּךְ הוּא מוֹשֵׁךְ עָלָיו חוּט שֶׁל חֶסֶד בָּעוֹלָם הַבָּא הַדּוֹמֶה לְיוֹם, שֶׁנֶּאֱמַר: ״יוֹמָם יְצַוֶּה ה׳ חַסְדּוֹ״ וגו׳.

There are those **who say** that this is what **Reish Lakish says:** With regard to **anyone who occupies** himself **with Torah in this world, which is comparable to night, the Holy One, Blessed be He, extends a thread of kindness**[N] **over him in the World-to-Come, which is comparable to day, as it is stated: "By day, the Lord will command His kindness,** and in the night His song shall be with me."

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל, מַאי דִּכְתִיב: ״וְתַעֲשֶׂה אָדָם כִּדְגֵי הַיָּם כְּרֶמֶשׂ לֹא מֹשֵׁל בּוֹ״; לָמָּה נִמְשְׁלוּ בְּנֵי אָדָם כִּדְגֵי הַיָּם? לוֹמַר לָךְ: מַה דָּגִים שֶׁבַּיָּם – כֵּיוָן שֶׁעוֹלִין לַיַּבָּשָׁה מִיָּד מֵתִים, אַף בְּנֵי אָדָם – כֵּיוָן שֶׁפּוֹרְשִׁין מִדִּבְרֵי תוֹרָה וּמִן הַמִּצְוֹת מִיָּד מֵתִים. דָּבָר אַחֵר: מַה דָּגִים שֶׁבַּיָּם – כֵּיוָן שֶׁקָּדְרָה עֲלֵיהֶם חַמָּה מִיָּד מֵתִים, כָּךְ בְּנֵי אָדָם – כֵּיוָן שֶׁקָּדְרָה עֲלֵיהֶם חַמָּה מִיָּד מֵתִים.

The Gemara continues discussing the importance of Torah study. **Rav Yehuda says** that **Shmuel says: What** is the meaning of that **which is written: "And makes people as the fish of the sea, as the creeping things, that have no ruler over them"** (Habakkuk 1:14)? **Why are people compared to the fish of the sea?** This serves **to say to you: Just as** with regard to **the fish of the sea, once they arise onto dry land they die immediately; so too,** with regard to **people, once they separate** themselves **from** studying **words of Torah and** performing **the mitzvot, they die immediately. Alternatively, just as** with regard to the **fish of the sea, once the sun is heated over them they die immediately, so too** with regard to **people, once the sun is heated over them they die immediately.**

אִיבָּעֵית אֵימָא בָּעוֹלָם הַזֶּה, וְאִיבָּעֵית אֵימָא לָעוֹלָם הַבָּא; אִיבָּעֵית אֵימָא בָּעוֹלָם הַזֶּה – כִּדְרַבִּי חֲנִינָא, דְּאָמַר רַבִּי חֲנִינָא: הַכֹּל בִּידֵי שָׁמַיִם – חוּץ מִצִּנִּים פַּחִים, שֶׁנֶּאֱמַר: ״צִנִּים פַּחִים בְּדֶרֶךְ עִקֵּשׁ שׁוֹמֵר נַפְשׁוֹ יִרְחַק מֵהֶם״.

The Gemara clarifies: **If you wish, say** that this applies **in this world, and if you wish, say** instead that it applies **to the World-to-Come. If you wish, say** that it applies **in this world, in accordance with** the opinion **of Rabbi Ḥanina. As Rabbi Ḥanina says: All** occurrences that befall man **are in the hands of Heaven**[N] **except for colds** and **obstacles** [***paḥim***], from which one is able to protect himself, **as it is stated: "Colds and snares are on the path of the crooked; he who guards his soul shall keep far from them"** (Proverbs 22:5). This indicates that cold and, conversely, heat, are forms of harm from which one must protect himself, which teaches that being exposed to excessive heat can cause death.

וְאִיבָּעֵית אֵימָא לָעוֹלָם הַבָּא – כִּדְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ, דְּאָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: אֵין גֵּיהִנֹּם לֶעָתִיד לָבֹא, אֶלָּא הַקָּדוֹשׁ בָּרוּךְ הוּא מוֹצִיא חַמָּה מִנַּרְתִּיקָהּ וּמַקְדִּיר, רְשָׁעִים נִידּוֹנִין בָּהּ וְצַדִּיקִים מִתְרַפְּאִין בָּהּ; רְשָׁעִים נִידּוֹנִין

And if you wish, say instead that this is referring **to the World-to-Come, in accordance with** the statement **of Rabbi Shimon ben Lakish. As Rabbi Shimon ben Lakish says: There is no Gehenna in the World-to-Come. Rather, the Holy One, Blessed be He,** will **remove the sun from its sheath** [***minnarteikah***],[L] where it is situated during these times, **and heats** [***umakdir***] that world with it. **The wicked will be punished by it** and consumed by the heat, **but the righteous will be healed by it. The wicked will be punished**

BACKGROUND

Coals of the broom tree [*rotem*] – **גַּחֲלֵי רְתָמִים:** The *rotem* is probably the plant known as white broom, *Retama raetam*, a shrub from the Fabaceae family that grows to a height of a meter or two. This plant has small, green leaves that it sheds in the summer, while its green branches alone continue to grow. With its extremely fragrant white flowers, the shrub can be found in all areas of Eretz Yisrael. Coals made from the roots of the broom tree are of excellent quality, and they preserve their heat for an extended period of time.

Broom tree in bloom

NOTES

They pluck salt-wort [*maluaḥ*] – **הַקֹּטְפִים מַלּוֹחַ:** *Maluaḥ* is understood as referring to something moist or wet, i.e., the Torah, which grants life. Alternatively, *maluaḥ* is referring to the Torah because it was given upon two tablets [*luḥot*] (Rashi; Rabbeinu Ḥananel). As the term for wormwood, *siaḥ*, can also mean chatter, the verse is interpreted as follows: Those who pause from Torah learning for the purpose of mundane chatter are punished by being forced to eat coals from the wood of the broom tree.

Thread of kindness – חוּט שֶׁל חֶסֶד: The phrase: Thread of kindness, means that he will be agreeable to all people (Rashi). Alternatively, he will be able to answer questions in matters of Torah correctly (Meiri). Yet others explain that normally when one is awake at night his face is dark, but when one stays up at night studying Torah, God grants him a special grace and his face remains bright (Maharsha).

All occurrences are in the hands of Heaven, etc. – הַכֹּל בִּידֵי שָׁמַיִם וכו׳: Rabbeinu Gershom Meor HaGola explains that the word *paḥim* is similar to the word *yafuaḥ*, which means to blow, i.e., one can protect himself from drafts, which cause a chill. Rashi on Song of Songs 4:6 associates *yafuaḥ* with heat. With regard to one's behavior, i.e., whether a person acts righteously or wickedly, it is explained in tractate *Berakhot* 43a that everything is in the hands of Heaven except for the fear of Heaven, that is, every person has free will to decide to serve God or not (*Tosafot*).

LANGUAGE

Sheath [*narteik*] – **נַרְתֵּיק:** From the Greek ναρθήκιον, *narthēkion*, meaning a crate or a vessel used to cover another object.

HALAKHA

Anyone who occupies himself with Torah at night – כָּל הָעוֹסֵק בַּתּוֹרָה בַּלַּיְלָה: Although it is a mitzva to study Torah both during the day and at night, one can learn more at night. Therefore, if one wishes to receive the crown of Torah, he should take care to study Torah and wisdom every night, and not lose even one night through sleep, eating and drinking, or conversation. The Sages further said that the joy of Torah is only experienced at night, as it is stated: "Arise, rejoice at night" (Lamentations 2:19). Concerning one who occupies himself with Torah at night, the Holy One, Blessed be He, extends a thread of kindness over him by day, as it is stated: "By day the Lord will command His loving-kindness, and in the night His song shall be with me" (Psalms 42:9). This *halakha* is in accordance with the statement of Reish Lakish (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 3:13; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 238:1 and *Yoreh De'a* 246:23–24).

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בָּהּ – דִּכְתִיב: ״[כִּי] הִנֵּה הַיּוֹם בָּא בֹּעֵר כַּתַּנּוּר וְהָיוּ כָל זֵדִים וְכָל עֹשֵׂה רִשְׁעָה קַשׁ וְלִהַט אוֹתָם הַיּוֹם הַבָּא אָמַר ה׳ צְבָאוֹת אֲשֶׁר לֹא יַעֲזֹב לָהֶם שֹׁרֶשׁ וְעָנָף״, לֹא שׁוֹרֶשׁ – בָּעוֹלָם הַזֶּה, וְלֹא עָנָף – לָעוֹלָם הַבָּא;

by it, as it is written: "For, behold, the day comes, it burns as a furnace; and all the proud, and all that work wickedness, shall be stubble; and the day that comes[N] **shall set them ablaze, said the Lord of hosts, that it shall leave them neither root nor branch"** (Malachi 3:19). This verse is interpreted as follows: **Neither a root** shall remain for them **in this world, nor** will **a branch** grow for them **in the World-to-Come.** This teaches that the sun itself will burn and consume the wicked in the future.

צַדִּיקִים מִתְרַפְּאִין בָּהּ, דִּכְתִיב: ״וְזָרְחָה לָכֶם יִרְאֵי שְׁמִי שֶׁמֶשׁ צְדָקָה וּמַרְפֵּא בִּכְנָפֶיהָ״ וגו׳, וְלֹא עוֹד, אֶלָּא שֶׁמִּתְעַדְּנִין בָּהּ, שֶׁנֶּאֱמַר: ״וִיצָאתֶם וּפִשְׁתֶּם כְּעֶגְלֵי מַרְבֵּק״.

And **the righteous will be healed by it, as it is written** in the next verse: **"But to you that fear My Name shall the sun of righteousness arise with healing in its wings"** (Malachi 3:20). **And moreover,** not only will they be healed by it, **but they will** even **be rejuvenated by it, as it is stated** in the continuation of that verse: **"And you shall go forth and leap as calves of the stall."**

דָּבָר אַחֵר: מָה דָּגִים שֶׁבַּיָּם – כָּל הַגָּדוֹל מֵחֲבֵירוֹ בּוֹלֵעַ אֶת חֲבֵירוֹ, אַף בְּנֵי אָדָם – אִלְמָלֵא מוֹרָאָהּ שֶׁל מַלְכוּת, כָּל הַגָּדוֹל מֵחֲבֵירוֹ בּוֹלֵעַ אֶת חֲבֵירוֹ. וְהַיְינוּ דִּתְנַן, רַבִּי חֲנִינָא סְגַן הַכֹּהֲנִים אוֹמֵר: הֱוֵי מִתְפַּלֵּל בִּשְׁלוֹמָהּ שֶׁל מַלְכוּת, שֶׁאִלְמָלֵא מוֹרָאָהּ שֶׁל מַלְכוּת, אִישׁ אֶת רֵעֵהוּ חַיִּים בְּלָעוּ.

Alternatively, just as in the case of **fish of the sea, any** fish **that is bigger than another swallows the other, so too** in the case of **people, were it not for the fear of** the ruling **government, anyone who is bigger than another** would **swallow the other. And this is as we learned** in a mishna (*Avot* 3:2) that **Rabbi Ḥanina, the deputy** High **Priest, says: One should pray for the** continued **welfare of the government, as were it not for the fear of the government,** every **man would swallow his neighbor alive.**

רַב חִינָּנָא בַּר פַּפָּא רָמֵי, כְּתִיב: ״שַׁדַּי לֹא מְצָאנֻהוּ שַׂגִּיא כֹּחַ״, וּכְתִיב: ״גָּדוֹל אֲדוֹנֵינוּ וְרַב כֹּחַ״, וּכְתִיב: ״יְמִינְךָ ה׳ נֶאְדָּרִי בַּכֹּחַ״! לָא קַשְׁיָא: כָּאן בִּשְׁעַת הַדִּין, כָּאן בִּשְׁעַת מִלְחָמָה.

§ **Rav Ḥinnana bar Pappa raises a contradiction** between the following verses. **It is written: "The Almighty, Whom we have not found out His excellent power"** (Job 37:23), which indicates that His power has not been seen. **And it is written** elsewhere: **"Great is our Lord, and mighty in power"** (Psalms 147:5), **and it is** also **written: "Your right hand, O Lord, glorious in power"** (Exodus 15:6), from which it may be inferred that His power is discernable. The Gemara answers: This is **not difficult; here,** in the first verse, God's strength is not seen **at a time of judgment,** where He acts mercifully, whereas **there,** in the other verses, they are referring **to a time of war,** when He wages war against His enemies and His power is seen.

רַבִּי חָמָא בְּרַבִּי חֲנִינָא רָמֵי, כְּתִיב: ״חֵמָה אֵין לִי״, וּכְתִיב: ״נֹקֵם ה׳ וּבַעַל חֵמָה״! לָא קַשְׁיָא: כָּאן בְּיִשְׂרָאֵל, כָּאן בְּאוּמּוֹת הָעוֹלָם. רַב חִינָּנָא בַּר פַּפָּא אָמַר: ״חֵמָה אֵין לִי״ – שֶׁכְּבָר נִשְׁבַּעְתִּי, ״מִי יִתְּנֵנִי״ שֶׁלֹּא נִשְׁבַּעְתִּי, אֶהְיֶה ״שָׁמִיר וָשַׁיִת״ וגו׳.

Rabbi Ḥama, son of Rabbi Ḥanina, raises a contradiction between the following verses. **It is written: "Fury is not in Me"** (Isaiah 27:4), **and it is written: "The Lord is a jealous and furious God"** (Nahum 1:2). The Gemara answers: This is **not difficult; here,** where it states that God has no fury, it is speaking **with regard to the Jewish people,** whereas **there,** where it says that God has fury, it is speaking **with regard to the nations of the world. Rav Ḥinnana bar Pappa says** in explanation of the verse: "Fury is not in Me; would that I were as the briers and thorns in flame! I would with one step burn it altogether" (Isaiah 27:4). **"Fury is not in Me," as I have already taken an oath** that I will not destroy the Jewish people; **"would that I" had not taken this oath,** since then **I would be** active **"as the briers and thorns** in flame! I would with one step burn it altogether."

וְהַיְינוּ דְּאָמַר רַבִּי אֶלְכְּסַנְדְּרִי, מַאי דִּכְתִיב: ״וְהָיָה בַּיּוֹם הַהוּא אֲבַקֵּשׁ לְהַשְׁמִיד אֶת כָּל הַגּוֹיִם״, אֲבַקֵּשׁ מִמִּי? אָמַר הַקָּדוֹשׁ בָּרוּךְ הוּא: אֲבַקֵּשׁ בְּנִיגָּנֵי שֶׁלָּהֶם, אִם יֵשׁ לָהֶם זְכוּת – אֶפְדֵּם, וְאִם לָאו – אַשְׁמִידֵם.

And this is the same as that **which Rabbi Alexandri says:**[N] **What** is the meaning of that **which is written: "And it shall come to pass in that day, that I will seek to destroy all the nations"** (Zechariah 12:9)? **"I will seek" from whom?** Does God need to seek permission? Rather, **the Holy One, Blessed be He, says: I will seek** and search **in their records** [*benigeni*];[L] **if they have merit, I will redeem them, and if not, I will destroy them.**

NOTES

Day that comes – יוֹם הַבָּא: Rashi explains that in this verse "the day" is referring to the sun, as in the phrase: "The day was far spent" (Judges 19:11).

This is the same as that which Rabbi Alexandri says – הַיְינוּ דְּאָמַר רַבִּי אֶלְכְּסַנְדְּרִי: According to Rashi, this is a continuation of the discussion on the previous *amud*, where it is stated that God does not deal tyrannically with his creations. Others dispute this explanation, arguing that this statement cannot be referring back to a discussion that appears so much earlier. Rather, the quotation of Rabbi Alexandri is referring to the Gemara's observation that the Jewish people and the nations of the world are judged differently. The same applies to Rava's statement cited in the continuation of the Gemara (*Tosafot*, citing Rabbeinu Tam; Ra'avad).

LANGUAGE

Records [*nigeni*] – נִיגָּנֵי: The source of this word and its principle meaning are unclear. According to *Tosafot*, there is a connection between this term and *mangenon*, mechanism, a word that is also found in Modern Hebrew. *Mangenon* is derived from the Greek μάγγανον, *manganon*, meaning clever or tricky devices. This root appears in words that refer to trickery or deceit. The meaning in this context is possibly that God will investigate their clever ruses and devices to see if they have any merit.

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וְהֵיינוּ דְּאָמַר רָבָא, מַאי דִּכְתִיב: ״אַךְ לֹא בְעִי יִשְׁלַח יָד אִם בְּפִידוֹ לָהֶן שׁוּעַ״? אָמַר לָהֶן הַקָּדוֹשׁ בָּרוּךְ הוּא לְיִשְׂרָאֵל: כְּשֶׁאֲנִי דָּן אֶת יִשְׂרָאֵל, אֵין אֲנִי דָּן אוֹתָם כְּאוּמּוֹת הָעוֹלָם, דִּכְתִיב: ״עוֹד עוֹד עָוֶה אֲשִׁימֶנָּה״ וגו׳, אֶלָּא אֲנִי נִפְרָע מֵהֶן כְּפִיד שֶׁל תַּרְנְגוֹלֶת.

And this is the same as that **which Rava says: What** is the meaning of that **which is written: "Surely none shall put forth his hand to a ruinous heap, neither because of these things shall help come in one's calamity** [*befido*]" (Job 30:24)? **The Holy One, Blessed be He, says to the Jewish people: When I judge the Jewish people, I do not judge them as** I judge **the nations of the world.** When judging the nations of the world, I punish them for all of their transgressions together, **as it is written: "A ruin, a ruin, a ruin, will I make it,**[N] this also shall be no more" (Ezekiel 21:32). **Rather, I punish** the Jewish people **like the pecking** [*kefid*][L] **of a hen,** which picks up only a tiny amount each time it pecks.

דָּבָר אַחֵר: אֲפִילּוּ אֵין יִשְׂרָאֵל עוֹשִׂין מִצְוָה לְפָנַי כִּי אִם מְעַט, כִּפִיד שֶׁל תַּרְנְגוֹלִין שְׁמְנַקְּרִין בָּאַשְׁפָּה, אֲנִי מְצָרְפָן לְחֶשְׁבּוֹן גָּדוֹל, שֶׁנֶּאֱמַר: ״אִם בְּפִידוֹ [לָהֶן שׁוּעַ״]. [דָּבָר אַחֵר:] בִּשְׂכַר שֶׁמַּשְׁוִועִין לְפָנַי אֲנִי מוֹשִׁיעַ אוֹתָם.

Alternatively, even if the Jewish people perform but a few mitzvot before Me, like the pecking of hens that peck in a dunghill, I will **combine them to a large reckoning, as it is stated: "Though they peck** [*befido*]," i.e., perform mitzvot a little at a time, "**they will be saved** [*lahen shua*]" (Job 30:24). **Alternatively, in reward for** the manner in **which they cry out** [*shua*] and pray **before Me, I** will **save** [*moshia*] **them.** In other words, God punishes the Jewish people for each individual infraction, but He does not destroy them entirely in a moment of fury.

וְהֵיינוּ דְּאָמַר רַבִּי אַבָּא, מַאי דִּכְתִיב: ״וְאָנֹכִי אֶפְדֵּם וְהֵמָּה דִּבְּרוּ עָלַי כְּזָבִים״? אֲנִי אָמַרְתִּי אֶפְדֵּם בְּמָמוֹנָם בָּעוֹלָם הַזֶּה כְּדֵי שֶׁיִּזְכּוּ לָעוֹלָם הַבָּא, וְהֵמָּה דִּבְּרוּ עָלַי כְּזָבִים.

And this is the same as that **which Rabbi Abba says: What** is the meaning of that **which is written: "And though I will redeem them, they have spoken lies against Me"** (Hosea 7:13)? **I said** that **I would redeem them through** taking away **their money in this world so that they should merit the World-to-Come, but they have spoken lies against Me,** by saying that I am angry and uninterested in them.

וְהֵיינוּ דְּאָמַר רַב פַּפִּי מִשְּׁמֵיהּ דְּרָבָא, מַאי דִּכְתִיב: ״וַאֲנִי יִסַּרְתִּי חִזַּקְתִּי זְרוֹעֹתָם וְאֵלַי יְחַשְּׁבוּ רָע״? אָמַר הַקָּדוֹשׁ בָּרוּךְ הוּא: אֲנִי אָמַרְתִּי אֲיַסְּרֵם בְּיִסּוּרִין בָּעוֹלָם הַזֶּה כְּדֵי שֶׁיְּחַזְּקוּ זְרוֹעוֹתָם לָעוֹלָם הַבָּא, וְאֵלַי יְחַשְּׁבוּ רָע.

And this is the same as that **which Rav Pappi says in the name of Rava: What** is the meaning of that **which is written:** "**Though I have trained** [*yissarti*] **and strengthened their arms, yet they consider evil against Me"** (Hosea 7:15)? **The Holy One, Blessed be He, says: I said** that **I would visit them** [*ayasserem*] **with afflictions in this world** for their benefit, **so that their arms would be strengthened in the World-to-Come, but they consider** that which **I** have done as **evil.**

מְשַׁתַּבַּח לְהוּ רַבִּי אַבָּהוּ לְמִינֵי בְּרַב סָפְרָא דְּאָדָם גָּדוֹל הוּא, שְׁבָקוּ לֵיהּ מִיכְסָא דְּתַלֵּיסַר שְׁנִין. יוֹמָא חַד אַשְׁכְּחוּהוּ, אֲמָרוּ לֵיהּ, כְּתִיב: ״רַק אֶתְכֶם יָדַעְתִּי מִכֹּל מִשְׁפְּחוֹת הָאֲדָמָה עַל כֵּן אֶפְקֹד עֲלֵיכֶם אֵת כָּל עֲוֹנֹתֵיכֶם״, מַאן דְּאִית לֵיהּ סִיסְיָא – בְּרַחֲמֵיהּ מַסֵּיק לֵיהּ? אִישְׁתִּיק וְלָא אֲמַר לְהוּ וְלָא מִידֵּי. רְמוּ לֵיהּ סוּדָרָא בְּצַוָּארֵיהּ וְקָא מְצַעֲרוּ לֵיהּ.

With regard to the afflictions of the Jewish people, the Gemara relates: **Rabbi Abbahu would praise Rav Safra**[P] **to the heretics**[B] by saying **that he is a great man.** Therefore, **they remitted** Rav Safra's obligation to pay **taxes for thirteen years,** as they relied upon Rabbi Abbahu's word and wanted to reward a great man. **One day they found** Rav Safra and **said to him: It is written: "You only have I known of all the families of the earth; therefore, I will visit upon you all your iniquities"** (Amos 3:2). The meaning of this verse is unclear, as why would God punish specifically the Jewish people because He loves them? **One who has wrath** [*siseya*],[NL] does **he raise it against his beloved?** Rav Safra **was silent and did not say anything** in response **to them. They threw a scarf around his neck**[N] **and tormented him,** by pulling and denigrating him.

אֲתָא רַבִּי אַבָּהוּ אַשְׁכְּחִינְהוּ, אֲמַר לְהוּ: אַמַּאי מְצַעֲרִיתוּ לֵיהּ? אֲמַרוּ לֵיהּ: וְלָאו אֲמַרְתְּ לָן דְּאָדָם גָּדוֹל הוּא? [וְלָא יָדַע לְמֵימַר לָן פֵּירוּשָׁא דְּהַאי פְּסוּקָא!] אֲמַר לְהוּ: אֵימַר דַּאֲמַרִי לְכוּ – בִּתְנָאֵי, בְּקָרֵאי מִי אֲמַרִי לְכוּ!

Rabbi Abbahu came and **found them** doing this to Rav Safra. Rabbi Abbahu **said to them: Why are you tormenting him? They said to him: And didn't you say to us that he is a great man? But he did not** even **know** how **to tell us the explanation of this verse.** Rabbi Abbahu **said to them:** You can **say that I said** this praise of Rav Safra **to you** only **with regard to** the Oral Law and the statements of ***tanna'im,*** but **did I say to you** that he is knowledgeable **with regard to the Bible?**

אֲמַרוּ לֵיהּ: מַאי שְׁנָא אַתּוּן דְּיָדְעִיתוּן? אֲמַר לְהוּ: אֲנַן דִּשְׁכִיחִינַן גַּבֵּיכוֹן – רָמֵינַן אַנַפְשִׁין וּמְעַיְינַן, אִינְהוּ לָא מְעַיְינִי.

They said to Rabbi Abbahu: **What is different** about **you** Sages of Eretz Yisrael, **that you know** the Bible as well? Rabbi Abbahu **said to them: We, who are situated among you** heretics and are forced to debate the meaning of verses, **we impose upon ourselves** this obligation **and analyze** verses in depth. By contrast, **those** Sages of Babylonia, who are not forced to debate you, **do not analyze** the Bible in such depth.

NOTES

As it is written, a ruin [*avva*], a ruin [*avva*], a ruin [*avva*] will I make it – דִּכְתִיב עַוֶּה עַוֶּה עַוֶּה: Rashi interprets the verse as follows: For the sins [*avva*] that they have sinned [*avva*], the divine punishment [*avva*] will come, i.e., the punishment will come in one instant and they will be utterly destroyed. This is not the case with regard to the Jewish people, who are not completely wiped out, despite their exile and the destruction of the Temple (*Iyyun Ya'akov*).

Wrath [*siseya*] – סִיסְיָא: Rashi explains *siseya* as a term for wrath, citing the Targum in support. He also offers another interpretation, that the rhetorical question is whether one would give a bad horse to his beloved to ride. This follows the text found in *She'iltot deRav Aḥai Gaon*, in which the Gemara is referring to an evil horse [*suseya*].

Scarf around his neck – סוּדָרָא בְּצַוָּארֵיהּ: Some commentaries explain that they placed the scarf around his neck to strangle him, as they thought that he knew the answer but did not wish to tell it to them (see *Iyyun Ya'akov*). Others suggest that they threw down the scarf from his head, in order to disgrace him.

LANGUAGE

Like the pecking [*kefid*] – כְּפִיד: *Pid* means a small amount, like that of the pecking of a hen. Some relate this term to the ancient Aramaic *padta*, meaning the smallest amount.

Wrath [*siseya*] – סִיסְיָא: Apparently from the Aramaic *nesisya*, meaning wrath or anger. *Sisya* is possibly an abbreviated form of that word.

PERSONALITIES

Rav Safra – רַב סָפְרָא: Rav Safra was a Babylonian *amora* from the third and fourth generation of *amora'im*. In the Talmud, Rav Safra is described as engaging in halakhic discourse with the greatest of the third generation Sages, including Rabba and Rav Yosef. He was also active in the generation of their students, Abaye and Rava.

Apparently, Rav Safra was a merchant who traveled on business to Eretz Yisrael, where he engaged in discourse with various Sages, such as Rabbi Abba and Rabbi Abbahu. His primary focus was the realm of *halakha*, while he focused less on the Bible and *aggada*. Rav Safra was renowned for his exemplary character, especially in the manner that he distanced himself from all forms of dishonesty.

BACKGROUND

Heretics – מִינֵי: In the time of Rabbi Abbahu, circa the end of the third century BCE, various cults of heretics, especially Christians, had already gained strength and wielded some influence over the authorities, to the extent that they could persuade them to refrain from collecting taxes from specific people. They were very interested in the Bible and its interpretation, and consequently they felt deceived when they discovered that Rav Safra was not as great an expert in that field as they had supposed.

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אֲמַרוּ לֵיהּ: לֵימָא לָן אַתְּ! אֲמַר לְהוּ: אֶמְשׁוֹל לָכֶם מָשָׁל, לְמָה הַדָּבָר דּוֹמֶה? לְאָדָם שֶׁנּוֹשֶׁה מִשְּׁנֵי בְנֵי אָדָם, אֶחָד אוֹהֲבוֹ וְאֶחָד שׂוֹנְאוֹ, אוֹהֲבוֹ – נִפְרָע מִמֶּנּוּ מְעַט מְעַט, שׂוֹנְאוֹ – נִפְרָע מִמֶּנּוּ בְּבַת אַחַת.

The heretics **said to** Rabbi Abbahu: In that case, **you should tell us** the meaning of this verse. Rabbi Abbahu **said to them: I will relate a parable to you. To what is this matter comparable?** It is comparable **to a person who lends** money **to two people, one** of whom is **his beloved, and** the other **one** is **his enemy.** In the case of **his beloved, he collects** the debt **from him little** by **little,** whereas in the case of **his enemy he collects** the debt **from him all at once.** So too, with regard to the Jewish people, God punishes them for each transgression as it occurs, so that they should not receive one severe punishment on a single occasion.

אָמַר רַבִּי אַבָּא בַּר כָּהֲנָא, מַאי דִּכְתִיב: ״חָלִילָה לְךָ מֵעֲשֹׂת כַּדָּבָר הַזֶּה לְהָמִית צַדִּיק עִם רָשָׁע״? אָמַר אַבְרָהָם לִפְנֵי הַקָּדוֹשׁ בָּרוּךְ הוּא: רִבּוֹנוֹ שֶׁל עוֹלָם, חוּלִּין הוּא מֵעֲשׂוֹת כַּדָּבָר הַזֶּה לְהָמִית צַדִּיק עִם רָשָׁע.

§ The Gemara continues discussing the manner in which God metes out punishment. **Rabbi Abba Bar Kahana says: What** is the meaning of that **which is written** as part of Abraham's prayer to God, when God informed him that He was going to destroy Sodom: "**That be far** [*ḥalila*] **from You to do after this manner, to slay the righteous with the wicked**" (Genesis 18:25)? This is what **Abraham said before the Holy One, Blessed be He: Master of the Universe, it is a sacrilege** [*ḥullin*] **for You**[N] **to do after this manner, to slay the righteous with the wicked.**

וְלָא? וְהָכְתִיב: ״וְהִכְרַתִּי מִמֵּךְ צַדִּיק וְרָשָׁע״! בְּצַדִּיק שֶׁאֵינוֹ גָּמוּר.

The Gemara asks: **And** does God **not** act in this manner? **But isn't it written: "And I will cut off from You the righteous and the wicked"** (Ezekiel 21:8)? The Gemara answers: There the verse is referring **to a righteous** person **who is not completely** righteous, and he will therefore be destroyed along with the wicked.

אֲבָל בְּצַדִּיק גָּמוּר לָא? וְהָכְתִיב: ״וּמִמִּקְדָּשִׁי תָּחֵלּוּ״, וְתָנֵי רַב יוֹסֵף: אַל תִּקְרֵי ״מִמִּקְדָּשִׁי״ אֶלָּא ״מִמְּקוּדָּשַׁי״, אֵלּוּ בְּנֵי אָדָם שֶׁקִּיְּימוּ אֶת הַתּוֹרָה מֵאל״ף וְעַד תי״ו! הָתָם נַמִי, כֵּיוָן שֶׁהָיָה בְּיָדָם לִמְחוֹת וְלֹא מִיחוּ, הָווּ לְהוּ כְּצַדִּיקִים שֶׁאֵינָן גְּמוּרִים.

The Gemara raises a difficulty: **But** is it true that **one who is completely righteous cannot** be destroyed along with the wicked? **But isn't it written** in a prophecy about the destruction of the Temple that God says to the destroyers: **"And begin at My Sanctuary** [*mimmikdashi*]**"** (Ezekiel 9:6); **and Rav Yosef teaches: Do not read** the word as "***mimmikdashi,***" but **rather** read it as ***mimmekudashai,*** those sanctified to Me. **He explains: These are people who observed the Torah** in its entirety, **from** the first letter of the Hebrew alphabet ***alef* through** its final letter ***tav.*** These people observed every mitzva in the Torah, and yet they were destroyed along with the wicked. The Gemara answers the difficulty: **There too, since they had the power to protest** against the wicked and prevent them from sinning **and they did not protest, they are** considered **as righteous** people **who are not completely** righteous.

רַב פַּפָּא רָמֵי, כְּתִיב: ״אֵל זוֹעֵם בְּכָל יוֹם״, וּכְתִיב: ״לִפְנֵי זַעְמוֹ מִי יַעֲמוֹד״! לָא קַשְׁיָא: כָּאן בְּיָחִיד, כָּאן בְּצִבּוּר.

Rav Pappa raises a contradiction between the following verses. **It is written: "A God that has indignation every day"** (Psalms 7:12), and yet the world still exists, **and it is written: "Who can stand before His indignation?"** (Nahum 1:6). The Gemara answers: This is **not difficult; here,** where the verse states that no one can stand before His indignation, it is referring **to an individual,** whereas **there,** when it is written that God is indignant every day, it is referring **to the community,** which can withstand the indignation of God, due to its cumulative merits.

תָּנוּ רַבָּנַן: ״אֵל זוֹעֵם בְּכָל יוֹם״ – וְכַמָּה זַעְמוֹ? רֶגַע. וְכַמָּה רֶגַע? אַחַת מֵחֲמֵשׁ רִיבּוֹא וּשְׁלֹשֶׁת אַלָּפִים וּשְׁמוֹנָה מֵאוֹת וְאַרְבָּעִים וּשְׁמֹנָה בְּשָׁעָה – זוֹ הִיא רֶגַע. וְאֵין כָּל בְּרִיָּה יְכוֹלָה לְכַוֵּין אוֹתָהּ רֶגַע, חוּץ מִבִּלְעָם הָרָשָׁע, דִּכְתִיב בֵּיהּ:

The Sages taught with regard to the verse: **A God that has indignation every day. And how** long does **His indignation** last? It lasts **a moment. And how** long is **a moment? One in 53,848** parts **of an hour,**[N] a very small amount of time, **that is a moment.** The Gemara adds: **And no entity can** precisely **determine that moment** when God is indignant, **except for Balaam the wicked, that it is written concerning him:**

NOTES

It is a sacrilege for You – חוּלִּין הוּא: The basic meaning of this claim is that the suggestion that God cannot separate the righteous from the wicked is a sacrilege, as people might think that God, who is capable of everything, has limited abilities.

One in 53,848 parts of an hour – אַחַת מֵחֲמֵשׁ רִיבּוֹא וּשְׁלֹשֶׁת אַלָּפִים וּשְׁמוֹנָה מֵאוֹת וְאַרְבָּעִים וּשְׁמֹנָה בְּשָׁעָה: The significance of this number is unclear. Some commentaries claim that the correct number is one in 13,824 parts of an hour (Rabbeinu Tam in *Sefer HaYashar*). This is based on the calculation in the *Tosefta* (*Berakhot* 1:3), which counts twenty-four periods in an hour, twenty-four instants in a period, and twenty-four moments in an instant, for a total of 13,824 moments in a hour. The commentaries note that there are other calculations of the length of a moment.

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NOTES

Balaam did not know the mind of his animal – דַּעַת בְּהֶמְתּוֹ לָא הֲוָה יָדֵע: He did not know the mind of his donkey, as indicated by the fact that he started an argument with it without realizing that it would ultimately shame him (*Tosefot Ḥakhmei Angliyya*).

״וְיוֹדֵעַ דַּעַת עֶלְיוֹן״; אֶפְשָׁר, דַּעַת בְּהֶמְתּוֹ לָא הֲוָה יָדֵע, דַּעַת עֶלְיוֹן מִי הֲוָה יָדֵע?

"And knows the knowledge of the Most High" (Numbers 24:16). Now, this should not be understood to mean that Balaam knew the thoughts of God, as is it **possible** that Balaam **did not know the mind of his animal,**[N] **and** yet **he did know the mind of the Most High?**

מַאי דַּעַת בְּהֶמְתּוֹ לָא הֲוָה יָדֵע? בְּעִידָּנָא דְּחָזוּ לֵיהּ דַּהֲוָה רָכִיב אַחֲמָרֵיהּ, אֲמַרוּ לֵיהּ: מַאי טַעְמָא לָא רְכַבְתָּא אַסּוּסְיָא? אֲמַר לְהוּ: בִּרְטִיבָא שְׁדַאי לֵיהּ. מִיָּד: ״וַתֹּאמֶר הָאָתוֹן...הֲלֹא אָנֹכִי אֲתֹנְךָ״! אֲמַר לָהּ: לְטִעְינָא בְּעָלְמָא.

The Gemara clarifies: **What** is meant by the claim that Balaam **did not know the mind of his animal? When** the princes of Moab **saw that** Balaam **was riding on his donkey, they said to him: What is the reason** that **you do not ride upon a horse,** which is more fitting for you? Balaam **said to them:** I am riding on a donkey because **I left** my horse **in a meadow** to graze. **Immediately: "And the donkey said** to Balaam: **Am not I your donkey?"** (Numbers 22:30), i.e., the donkey you always use. Balaam **said to it: For** carrying **burdens only,** not for riding.

אֲמָרָה לֵיהּ: ״אֲשֶׁר רָכַבְתָּ עָלַי״! אֲמַר לָהּ: אַקְרַאי בְּעָלְמָא. אֲמָרָה לֵיהּ: ״מֵעוֹדֶךָ וְעַד הַיּוֹם הַזֶּה״! וְלֹא עוֹד, אֶלָּא שֶׁאֲנִי עוֹשָׂה לְךָ רְכִיבוֹת בַּיּוֹם וְאִישׁוּת בַּלַּיְלָה, כְּתִיב הָכָא: ״הַהַסְכֵּן הִסְכַּנְתִּי״, וּכְתִיב הָתָם: ״וּתְהִי לוֹ סֹכֶנֶת״.

The donkey further **said to** Balaam: **"Upon which you have ridden."** Balaam **said to it: Merely at irregular occurrences.** The donkey **said to him: "All your life long unto this day"** (Numbers 22:30). The donkey added: **And moreover, I perform for you riding during the day, and marriage,** i.e., intercourse, **during the night.** The Gemara explains: This is derived from the following comparison: **It is written here** that Balaam's donkey said: **"Was I ever wont** [*hahasken hiskanti*] **to do so to you"** (Numbers 22:30), **and it is written there,** with regard to Abishag the Shunammite and King David: **"And be a companion** [*sokhenet*] **unto him;** and let her lie in your bosom" (1 Kings 1:2). This teaches that the term *hiskanti* alludes to sexual intercourse.

אֶלָּא מַאי ״וְיוֹדֵעַ דַּעַת עֶלְיוֹן״? שֶׁהָיָה יוֹדֵעַ לְכַוֵּין אוֹתָהּ שָׁעָה שֶׁהַקָּדוֹשׁ בָּרוּךְ הוּא כּוֹעֵס בָּהּ. וְהַיְינוּ דְּקָאָמַר לְהוּ נָבִיא: ״עַמִּי זְכָר נָא מַה יָּעַץ בָּלָק מֶלֶךְ מוֹאָב וּמָה עָנָה אֹותוֹ בִּלְעָם בֶּן בְּעוֹר מִן הַשִּׁטִּים וְעַד הַגִּלְגָּל לְמַעַן דַּעַת צִדְקוֹת ה׳״,

The Gemara returns to its previous question: **Rather, what** is the meaning of: **"And knows the knowledge of the Most High"** (Numbers 24:16)? It means **that he was able to determine** precisely **the hour at which the Holy One, Blessed be He, is angry.** At that moment Balaam would utter his curse and, through God's anger, it would be fulfilled. **And this is what the prophet said to** the Jewish people: **"O My people, remember now what Balak, king of Moab, devised, and what Balaam, son of Beor, answered him; from Shittim unto Gilgal, that you may know the righteous acts of the Lord"** (Micah 6:5).

אָמַר רַבִּי אֶלְעָזָר, אָמַר לָהֶן הַקָּדוֹשׁ בָּרוּךְ הוּא לְיִשְׂרָאֵל: עַמִּי, רְאוּ כַּמָּה צְדָקוֹת עָשִׂיתִי עִמָּכֶם, שֶׁלֹּא כָּעַסְתִּי עֲלֵיכֶם כָּל אוֹתָן הַיָּמִים, שֶׁאִם כָּעַסְתִּי עֲלֵיכֶם – לֹא נִשְׁתַּיֵּיר מְשׁוּנָאֵיהֶם שֶׁל יִשְׂרָאֵל שָׂרִיד וּפָלִיט. וְהַיְינוּ דְּקָאָמַר לֵיהּ בִּלְעָם לְבָלָק: ״מָה אָקֹב לֹא קַבֹּה אֵל וּמָה אֶזְעֹם לֹא זָעַם ה׳״.

Rabbi Elazar says, in explanation of that verse: **The Holy One, Blessed be He, said to the Jewish people: My nation, see how many acts of kindness I performed for you, that I did not become angry at you during all of those days** when Balaam attempted to curse the Jewish people, and he was not able to find a moment of divine anger. **As, had I become angry at you, there would not have remained a remnant or a refugee among the enemies of the Jewish people,** a euphemism for the Jewish people themselves. Instead, God restrained His anger and Balaam's curse went unfulfilled. **And this is what Balaam said to Balak:** Since God is not becoming angry, I can do nothing, as: **"How shall I curse whom God has not cursed? And how shall I execrate whom the Lord has not execrated"?** (Numbers 23:8).

וְכַמָּה זַעְמוֹ? רֶגַע. וְכַמָּה רֶגַע? אֲמַר אַמֵּימָר, וְאִיתֵּימָא רָבִינָא: רֶגַע כְּמֵימְרֵיהּ. וּמְנָלַן דְּרֶגַע הֲוָה רִיתְחֵיהּ? דִּכְתִיב: ״כִּי רֶגַע בְּאַפּוֹ חַיִּים בִּרְצוֹנוֹ״. וְאִיבָּעֵית אֵימָא, מֵהָכָא: ״חֲבִי כִּמְעַט רֶגַע עַד יַעֲבָר זָעַם״.

The Gemara further discusses this matter: **And how** long does **His indignation** last? It lasts **a moment. And how** long is **a moment? Ameimar, and some say Ravina, said:** It lasts **as** long as it takes **to say** the word **moment** [*rega*]. The Gemara asks: **And from where do we** derive **that** God's **anger** lasts for only **a moment? As it is written: "His anger is but for a moment; His favor, for a lifetime"** (Psalms 30:6). **And if you wish, say** instead that it is derived **from here: "Hide yourself for a brief moment, until the anger passes"** (Isaiah 26:20), meaning that God's anger passes in a mere moment.

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אֵימַת רָתַח? אֲמַר אַבַּיֵי: בְּתְלַת שָׁעֵי קַמַּיְיתָא כִּי חִיוְּרָא כַּרְבֵּלְתָּא דְּתַרְנְגוֹלָא. כָּל שַׁעְתָּא וְשַׁעְתָּא מִחֲוַור חִיוְּרָא! כָּל שַׁעְתָּא אִית בֵּיהּ סוּרַיְיקֵי סוּמָקֵי, הַהִיא שַׁעְתָּא לֵית בֵּיהּ סוּרַיְיקֵי סוּמָקֵי.

The Gemara asks: **When** is God **angry? Abaye said: During the first three hours** of the day, **when the crest of the rooster whitens** in the sun, as though life has left the rooster and it suddenly turns white, that is when God is angry. The Gemara asks: Doesn't its crest **whiten each and every hour?** How can this serve as a sign? The Gemara answers: The difference is that **every** other **hour there** remain **red streaks** [***surayekei***][L] in the rooster's crest, whereas at **that hour** of His anger **there are no red streaks in** its crest.

רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי הֲוָה מְצַעֵר לֵיהּ הַהוּא מִינָא [בְּקָרָאֵי, יוֹמָא חַד] נְקַט תַּרְנְגוֹלָא [וְאוֹקֵימֵיהּ בֵּין כַּרְעֵיהּ דְּעַרְסָא] וְעַיֵּין בֵּיהּ, סְבַר: כִּי מָטָא הַהִיא שַׁעְתָּא אֶלְטְיֵהּ, כִּי מָטָא הַהִיא שַׁעְתָּא נִימְנֵם.

The Gemara relates: **A certain heretic would distress Rabi Yehoshua ben Levi** by incessantly challenging him as to the meaning **of verses. One day,** Rabi Yehoshua ben Levi **took a rooster and placed it between the legs of the bed** upon which he sat, **and looked at it. He thought: When that moment** of God's anger **arrives, I will curse** the heretic and be rid of **him. When that moment** of God's anger **arrived,** Rabi Yehoshua ben Levi **fell asleep** and missed the opportunity to curse the heretic.

אֲמַר: שְׁמַע מִינָּהּ לָאו אוֹרַח אַרְעָא לְמֶיעֱבַד הָכִי, [״וְרַחֲמָיו עַל כָּל מַעֲשָׂיו״] כְּתִיב, וּכְתִיב: ״גַּם עֲנוֹשׁ לַצַּדִּיק לֹא טוֹב״.

Upon awakening, Rabbi Yehoshua ben Levi **said:** I can **conclude from** the fact that I fell asleep that it is **not proper conduct to do this,** to curse people, even if they are wicked, as the verse: **"And His tender mercies are over all His works"** (Psalms 145:9) **is written** even with regard to sinners. **And** moreover, it is inappropriate to cause the punishment of another, as **it is written: "Punishment, even for the righteous, is not good"** (Proverbs 17:26). Even for a righteous person, it is improper to punish another.

תָּנָא מִשְׁמֵיהּ דְּרַבִּי מֵאִיר: בְּשָׁעָה שֶׁהַמְּלָכִים מַנִּיחִין כִּתְרֵיהֶן בְּרָאשֵׁיהֶן וּמִשְׁתַּחֲוִין לַחַמָּה, מָיֵד כּוֹעֵס [הַקָּדוֹשׁ בָּרוּךְ הוּא]. אָמַר רַב יוֹסֵף: לָא לִיצַלֵּי אִינִישׁ צְלוֹתָא דְּמוּסָפֵי בְּתְלַת שָׁעֵי קַמַּיְיתָא דְּיוֹמָא בְּיוֹמָא קַמָּא דְּרֵישׁ שַׁתָּא בְּיָחִיד, דִּלְמָא בֵּיוָן דְּמִפְקִיד דִּינָא, דִּלְמָא מְעַיְּינִי בְּעוֹבְדֵיהּ וְדָחֲפוּ לֵיהּ מִידְחֵי.

In explanation of the cause of God's anger, **it is taught in the name of Rabbi Meir: When the kings** wake up and **place their crowns on their heads and bow down to the sun, the Holy One, Blessed be He, immediately grows angry.** This is why God's anger occurs during the first three hours of the day. **Rav Yosef says: A person should not recite**[H] **the additional prayers during the first three hours of the day on the first day of Rosh HaShana**[N] if he is praying **individually,** as, **since the judgment** of the entire world **is reckoned** then, **perhaps** the Heavenly court **will scrutinize his actions and reject him.**

אִי הָכִי, דְּצִבּוּר נַמִּי! דְּצִבּוּר נְפִישָׁא זְכוּתֵיהּ. אִי הָכִי, דְּיָחִיד דְּצַפְּרָא נַמִּי לָא! כֵּיוָן דְּאִיכָּא צִבּוּרָא דְּקָא מְצַלּוּ לָא קָא מִדְחֵי.

The Gemara raises a difficulty: **If that is so,** the prayer **of the community** should not be recited at that time **as well.** The Gemara explains: The prayer **of the community** is not rejected even at this time, due to **its many merits.** The Gemara asks: **If that is so,** then shouldn't the **morning** prayer **of** one who is praying **individually also not** be recited at this time? The Gemara answers: **Since there is** in all places **a community that prays** the morning prayer at that same time, his prayer **is not rejected.** By contrast, the additional prayer is recited at different times by different communities, as unlike the morning prayer it does not have a fixed time but can be recited at any point during the day.

וְהָא אָמְרַתְּ: שָׁלֹשׁ רִאשׁוֹנוֹת הַקָּדוֹשׁ בָּרוּךְ הוּא יוֹשֵׁב וְעוֹסֵק בַּתּוֹרָה! אֵיפּוּךְ.

The Gemara raises another difficulty: **But didn't you say** that **during the first three hours of the day The Holy One, Blessed be He, sits and engages in Torah** study, and He engages in judgment only during the second set of three hours? The Gemara answers: **Reverse** the order so that it is stated that He sits in judgment during the first three hours of the day.

LANGUAGE

Streaks [*surayekei*] – סוּרַיְיקֵי: The origin of the word *surayekei*, or in alternative versions, *shurayekei*, is unknown. The word means strings or rows. In this context it is referring to the larger blood vessels found in the rooster's crest, which have the appearance of red threads when the rooster turns white, i.e., when the blood is not flowing in the capillaries.

HALAKHA

A person should not recite, etc. – לָא לִיצַלֵּי אִינִישׁ וכו': An individual should recite the additional prayer of Rosh HaShana only after the first three hours of the day. With regard to the morning prayer, which is usually recited during these first three hours, if one prays alone his prayer is accepted along with the prayers of the community (*Mishna Berura*; see *Shulḥan Arukh HaRav*). This ruling is in accordance with the statement of Rav Yosef (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 591:8).

NOTES

Additional prayers…of Rosh HaShana – מוּסָפֵי…דְּרֵישׁ שַׁתָּא: The reason this ruling is taught only with regard to Rosh HaShana is that Rosh HaShana is a day of judgment, on which God decides whether one should live or die; therefore, there is a greater need for God's mercy on this day than on others (Ra'avad). Alternatively, the additional prayer recited on Rosh HaShana differs from the additional prayers of *Shabbatot* and Festivals. Whereas most additional prayers mention only praises of God and the offerings that were sacrificed on that day, the additional prayer of Rosh HaShana includes verses of Kingship, Remembrances, and *Shofarot*, which mention the rulership and judgment of God and contain the request that God should rule over the entire world and employ true judgment. One should not raise these topics at the time of judgment, lest he cause his own sins to be remembered and find himself rejected by God (Rashi).

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NOTES

Buy the truth – אֱמֶת קְנֵה: The verse teaches that it is proper for one to take on expenses, and even pay tuition if it is demanded of him, in order to acquire Torah for himself. According to the continuation of the verse, one may not sell his Torah for money, i.e., by receiving money for teaching; rather, he should transmit the knowledge without receiving compensation (Rashi).

BACKGROUND

Mnemonic – סִימָן: Because the Talmud was studied orally for many generations, mnemonic devices were necessary to remember a series of *halakhot* and the order in which they were taught.

וְאִיבָּעֵית אֵימָא: לְעוֹלָם לָא תֵּיפּוֹךְ, תּוֹרָה דִּכְתִיב בָּהּ ״אֱמֶת״, דִּכְתִיב: ״אֱמֶת קְנֵה וְאַל תִּמְכֹּר״ – אֵין הַקָּדוֹשׁ בָּרוּךְ הוּא עוֹשֶׂה לִפְנִים מִשּׁוּרַת הַדִּין, דִּין דִּלָּא כְּתִיב בֵּיהּ ״אֱמֶת״ – הַקָּדוֹשׁ בָּרוּךְ הוּא עוֹשֶׂה לִפְנִים מִשּׁוּרַת הַדִּין.

And if you wish, say instead: **Actually, do not reverse** the order. Rather, this is the reason that an individual should not recite the additional prayer during the first three hours of the day when God is engaged in Torah study: In the case of the **Torah, with regard to which it is written: Truth, as it is written: "Buy the truth,**[N] **and sell it not"** (Proverbs 23:23), **the Holy One, Blessed be He, does not act** in a manner that is **beyond the letter of the law.** But with regard to **judgment, with regard to which it is not written: Truth,** but it is a process that involves mercy and compromise, **the Holy One, Blessed be He,** can **act** in a manner that is **beyond the letter of the law.**

(יוֹם מֵעִיד טָרַף בָּעֵגֶל, סִימָן). גּוּפָא: אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, מַאי דִּכְתִיב: ״אֲשֶׁר אָנֹכִי מְצַוְּךָ הַיּוֹם לַעֲשׂוֹתָם״? הַיּוֹם לַעֲשׂוֹתָם – וְלֹא לְמָחָר לַעֲשׂוֹתָם, הַיּוֹם לַעֲשׂוֹתָם – וְלֹא הַיּוֹם לִישׁוֹל שְׂכָרָן.

§ The Gemara presents **a mnemonic**[B] for the ensuing statements of Rabbi Yehoshua ben Levi: **Today, bear witness, shake, the** golden **calf.** The Gemara returns to an earlier discussion (3a), first by citing **the** matter **itself. Rabbi Yehoshua ben Levi says: What** is the meaning of that **which is written: "Which I command you this day, to do them"** (Deuteronomy 7:11)? This verse teaches that **today** is the time **to do them,** i.e., to perform the mitzvot, in this world, **but tomorrow,** in the World-to-Come, **is not** the time **to do them.** Furthermore, **today** is the time **to do them, but today is not** the time **to receive** one's **reward,** which is given in the World-to-Come.

אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: כָּל מִצְוֹת שֶׁיִּשְׂרָאֵל עוֹשִׂין בָּעוֹלָם הַזֶּה, בָּאוֹת וּמְעִידוֹת אוֹתָם לָעוֹלָם הַבָּא, שֶׁנֶּאֱמַר: ״יִתְּנוּ עֵדֵיהֶם וְיִצְדָּקוּ וְיִשְׁמְעוּ וְיֹאמְרוּ אֱמֶת״, ״יִתְּנוּ עֵדֵיהֶם וְיִצְדָּקוּ״ – אֵלּוּ יִשְׂרָאֵל, ״יִשְׁמְעוּ וְיֹאמְרוּ אֱמֶת״ – אֵלּוּ אוּמּוֹת הָעוֹלָם.

Rabbi Yehoshua ben Levi says: All of the mitzvot that the Jews perform in this word will **come and bear witness for them in the World-to-Come, as it is stated: "Let them bring their witnesses that they may be justified, and let them hear, and say: It is truth"** (Isaiah 43:9). He explains: **"Let them bring their witnesses that they may be justified"; these are** referring to **the Jews. "And let them hear, and say: It is truth"; these are** referring to **the nations of the world.**

וְאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: כָּל מִצְוֹת שֶׁיִּשְׂרָאֵל עוֹשִׂין בָּעוֹלָם הַזֶּה, בָּאוֹת וְטוֹרְפוֹת אוֹתָם לְאוּמּוֹת הָעוֹלָם לָעוֹלָם הַבָּא עַל פְּנֵיהֶם, שֶׁנֶּאֱמַר: ״וּשְׁמַרְתֶּם וַעֲשִׂיתֶם כִּי הִוא חָכְמַתְכֶם וּבִינַתְכֶם לְעֵינֵי הָעַמִּים״, ״נֶגֶד הָעַמִּים״ לֹא נֶאֱמַר, אֶלָּא ״לְעֵינֵי הָעַמִּים״, מְלַמֵּד שֶׁבָּאוֹת וְטוֹרְפוֹת לְאוּמּוֹת הָעוֹלָם עַל פְּנֵיהֶם לָעוֹלָם הַבָּא.

And Rabbi Yehoshua ben Levi says: All of the mitzvot that the Jewish people perform in this world will **come and strike the faces of the nations of the world in the World-to-Come, as it is stated: "Observe therefore and do them; for this is your wisdom and your understanding in the eyes of the nations"** (Deuteronomy 4:6). It **is not stated: Before the nations; rather,** the verse states: **"In the eyes of the nations,"** which taken literally **teaches that they** will **come and strike the faces of the nations of the world in the World-to-Come.**

וְאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: לֹא עָשׂוּ יִשְׂרָאֵל אֶת הָעֵגֶל אֶלָּא לִיתֵּן פִּתְחוֹן פֶּה לְבַעֲלֵי תְּשׁוּבָה, שֶׁנֶּאֱמַר: ״מִי יִתֵּן וְהָיָה לְבָבָם זֶה לָהֶם לְיִרְאָה אוֹתִי...כָּל הַיָּמִים״ וגו׳.

And Rabbi Yehoshua ben Levi says: The Jewish people fashioned the Golden **Calf** (see Exodus, chapter 32) **only to give a claim to penitents, as it is stated** after the revelation at Sinai: **"Who would give that they had such a heart as this always, to fear Me,** and keep all My commandments, that it might be good for them, and with their children **forever"** (Deuteronomy 5:25). If the nation was truly at such a lofty spiritual state, how could they worship the Golden Calf? Rather, their sin occurred so that it would be made clear that one can repent for any sin, as even a sin as severe as the Golden Calf was forgiven.

וְהַיְינוּ דְּאָמַר רַבִּי יוֹחָנָן מְשׁוּם רַבִּי שִׁמְעוֹן בֶּן יוֹחַאי: לֹא דָּוִד רָאוּי לְאוֹתוֹ מַעֲשֶׂה וְלֹא יִשְׂרָאֵל רְאוּיִין לְאוֹתוֹ מַעֲשֶׂה; לֹא דָּוִד רָאוּי לְאוֹתוֹ מַעֲשֶׂה – דִּכְתִיב: ״וְלִבִּי חָלַל בְּקִרְבִּי״,

And this is similar to that **which Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: David was not fit to** act as he did in **that incident** involving Bathsheba, **and the Jewish people were not fit to** act as they did in **that incident** of the Golden Calf. **David was not fit to** act as he did in **that incident** involving Bathsheba (see II Samuel, chapter 11), **as it is written: "And my heart is wounded within me"** (Psalms 109:22), i.e., he had vanquished his evil inclination, and therefore it should not have been able to rule over him to that extent.

וְלֹא יִשְׂרָאֵל רְאוּיִין לְאוֹתוֹ מַעֲשֶׂה – דִּכְתִיב: ״מִי יִתֵּן וְהָיָה לְבָבָם זֶה לָהֶם לְיִרְאָה אוֹתִי...כָּל הַיָּמִים״; אֶלָּא לָמָּה עָשׂוּ?

And likewise **the Jewish people were not fit to** act as they did in **that incident** of the Golden Calf, **as it is written** with regard to the Jewish people of that time: **"Who would give that they had such a heart as this always, to fear Me** and keep all My commandments, that it might be good for them, and with their children **forever"** (Deuteronomy 5:25). **Rather, why did they perform** these sins?

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לוֹמַר לְךָ, שֶׁאִם חָטָא יָחִיד – אוֹמְרִים לוֹ: כְּלָךְ אֵצֶל יָחִיד, וְאִם חָטְאוּ צִבּוּר – אוֹמְרִים לוֹ: כְּלָךְ אֵצֶל צִבּוּר.

This serves **to say to you that if an individual** has **sinned, one says to him: Go to** that famous **individual** who sinned, King David, and learn from him that one can repent. **And if the community sinned, one says to** them: **Go to** the **community** that sinned, i.e., the Jewish people at the time of the Golden Calf.

וּצְרִיכָא, דְּאִי אַשְׁמוּעִינַן יָחִיד, מִשּׁוּם דְּלָא מִפַּרְסֵם חֲטָאֵיהּ, אֲבָל צִבּוּר דְּמִפַּרְסֵם חֲטָאֵיהוּ אֵימָא לָא; וְאִי אַשְׁמוּעִינַן צִבּוּר, מִשּׁוּם דְּנִפְּישִׁי רַחֲמַיְיהוּ, אֲבָל יָחִיד דְּלָא אַלִּימָא זְכוּתֵיהּ אֵימָא לָא, צְרִיכָא.

The Gemara notes: **And** it is **necessary** to learn about repentance both in the case of an individual and in the case of a community. The reason is **that if we had learned** this idea only with regard to **an individual,** one might have thought that he has the option to repent only **because his sin is not publicized. But** in the case of **a community, whose sin is publicized,** one might **say** that the community **cannot** repent. **And** likewise, **if we had learned** this idea only with regard to **a community,** one might have said that their repentance is accepted **because their prayers are more numerous** than those of an individual, and they are heard before God. **But** in the case of **an individual, whose merit is not** as **strong,** one might **say** that he is **not** able to repent. Therefore, it is **necessary** to teach both cases.

וְהַיְינוּ דְּרַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר רַבִּי יוֹנָתָן, מַאי דִּכְתִיב: ״נְאֻם דָּוִד בֶּן יִשַׁי וּנְאֻם הַגֶּבֶר הֻקַם עָל״? נְאֻם דָּוִד בֶּן יִשַׁי שֶׁהֵקִים עוּלָּהּ שֶׁל תְּשׁוּבָה.

And this is similar to that **which Rabbi Shmuel bar Naḥmani** says that **Rabbi Yonatan says: What** is the meaning of that **which is written: "The saying of David, son of Yishai, and the saying of the man raised on high** [*al*]**"** (II Samuel 23:1)? This is the meaning of the verse: **The saying of David, son of Yishai, who raised** and lightened **the yoke** [***ullah***] **of repentance,**[N] as he taught the power of repentance through his own example.

וְאָמַר רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר רַבִּי יוֹנָתָן: כָּל הָעוֹשֶׂה מִצְוָה אַחַת בָּעוֹלָם הַזֶּה – מְקַדַּמְתּוּ וְהוֹלֶכֶת לְפָנָיו לָעוֹלָם הַבָּא, שֶׁנֶּאֱמַר: ״וְהָלַךְ לְפָנֶיךָ צִדְקֶךָ וּכְבוֹד ה׳ יַאַסְפֶךָ״; וְכָל הָעוֹבֵר עֲבֵירָה אַחַת – מְלַפַּפְתּוּ וּמוֹלִיכָתוּ לְיוֹם הַדִּין, שֶׁנֶּאֱמַר: ״יִלָּפְתוּ אָרְחוֹת דַּרְכָּם״ וגו׳.

And Rabbi Shmuel bar Naḥmani further **says** that **Rabbi Yonatan says:** With regard to **anyone who performs one mitzva in this world,** the mitzva will **precede him and walk before him in the World-to-Come, as it is stated: "And your righteousness shall go before you, the glory of the Lord shall be your reward"** (Isaiah 58:8). **And** with regard to **anyone who commits one transgression,** that transgression will **shroud him and lead him on the Day of Judgment, as it is stated: "The paths of their way do wind,** they go up into the waste, and are lost" (Job 6:18).

רַבִּי אֶלְעָזָר אוֹמֵר: קְשׁוּרָה בּוֹ כְּכֶלֶב, שֶׁנֶּאֱמַר: ״וְלֹא שָׁמַע אֵלֶיהָ לִשְׁכַּב אֶצְלָהּ לִהְיוֹת עִמָּהּ״, ״לִשְׁכַּב אֶצְלָהּ״ – בָּעוֹלָם הַזֶּה, ״לִהְיוֹת עִמָּהּ״ – בָּעוֹלָם הַבָּא.

Rabbi Elazar says: The transgression **is tied to him like a dog**[N] and does not leave him, **as it is stated** with regard to Joseph and Potiphar's wife: **"And he did not listen to her, to lie by her, or to be with her"** (Genesis 39:10). This teaches that Joseph refused **"to lie by her" in this world,** which would have meant that he would have had **"to be with her" in the World-to-Come.**

אָמַר רֵישׁ לָקִישׁ: בּוֹאוּ וְנַחֲזִיק טוֹבָה לַאֲבוֹתֵינוּ, שֶׁאִלְמָלֵא הֵן לֹא חָטְאוּ – אָנוּ לֹא בָּאנוּ לָעוֹלָם, שֶׁנֶּאֱמַר: ״אֲנִי אָמַרְתִּי אֱלֹהִים אַתֶּם וּבְנֵי עֶלְיוֹן כֻּלְּכֶם״, חֲבַלְתֶּם מַעֲשֵׂיכֶם – ״אָכֵן כְּאָדָם תְּמוּתוּן״ וגו׳.

§ The Gemara further discusses the sin of the Golden Calf. **Reish Lakish says: Come and let us be grateful to our ancestors** who sinned with the Golden Calf, **as had they not sinned we** would **not have come into the world.** Reish Lakish explains: **As it is stated** about the Jewish people after the revelation at Sinai: **"I said: You are godlike beings, and all of you sons of the Most High"** (Psalms 82:6), which indicates that they had become like angels and would not have propagated offspring. Then, God states: After **you ruined your deeds: "Yet you shall die like a man,** and fall like one of the princes" (Psalms 82:7).

NOTES

Yoke [*ullah*] of repentance – עוּלָּהּ שֶׁל תְּשׁוּבָה: An *ol* is a burden or load. By teaching that repentance is possible, David demonstrated that one can never exempt himself from the obligation to repent and change one's ways. Alternatively, *ullah* is from the word *aliya*, ascent, i.e., David attained lofty heights through repentance, by showing its importance (*Bina Lelttim*).

Tied to him like a dog – קְשׁוּרָה בּוֹ כְּכֶלֶב: The plain meaning of this analogy is that just like a dog that is tied to its owner, a sin enshrouds its performer and accompanies him everywhere. Alternatively, the analogy is a reference to a dog's desire for its female counterpart (*Tosefot Ḥakhmei Angliyya*).

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לְמֵימְרָא, דְּאִי לָא חָטְאוּ לָא הֲווּ מוֹלְדוּ? וְהָכְתִיב: ״וְאַתֶּם פְּרוּ וּרְבוּ״! עַד סִינַי. בְּסִינַי נַמִי כְּתִיב: ״לֵךְ אֱמֹר לָהֶם שׁוּבוּ לָכֶם לְאָהֳלֵיכֶם״! לְשִׁמְחַת עוֹנָה.

The Gemara asks: Is this **to say that if they had not sinned** with the Golden Calf **they would not have sired** children? **But isn't it written** that Noah and his children were instructed: **"And you, be fruitful, and multiply"** (Genesis 9:7)? The Gemara answers: This instruction was issued only **until** the revelation at **Sinai,** but the Jewish people would have become like angels there, had they not sinned. The Gemara asks: Isn't it **also written** about the Jewish people who were at the revelation **at Sinai: "Go say to them: Return to your tents"** (Deuteronomy 5:27), which means that they were instructed to resume marital relations? The Gemara answers: That verse is referring **to the enjoyment of conjugal rights,** not to procreation.

וְהָכְתִיב: ״לְמַעַן יִיטַב לָהֶם וְלִבְנֵיהֶם״ וגו׳! לְאוֹתָן הָעוֹמְדִים עַל הַר סִינַי.

The Gemara further asks: **But isn't it written: "That it might be good for them, and with their children** forever" (Deuteronomy 5:25), which indicates that they would continue to bear children? The Gemara answers: This verse is referring **to those** children **who stood** with them **at Mount Sinai,** not to future generations.

וְהָאָמַר רֵישׁ לָקִישׁ, מַאי דִּכְתִיב: ״זֶה סֵפֶר תּוֹלְדֹת אָדָם״ וגו׳? וְכִי סֵפֶר הָיָה לוֹ לְאָדָם הָרִאשׁוֹן? מְלַמֵּד שֶׁהֶרְאָה לוֹ הַקָּדוֹשׁ בָּרוּךְ הוּא לְאָדָם הָרִאשׁוֹן דּוֹר דּוֹר וְדוֹרְשָׁיו, דּוֹר דּוֹר וַחֲכָמָיו, דּוֹר דּוֹר וּפַרְנָסָיו, כֵּיוָן שֶׁהִגִּיעַ לְדוֹרוֹ שֶׁל רַבִּי עֲקִיבָא, שָׂמַח בְּתוֹרָתוֹ וְנִתְעַצֵּב בְּמִיתָתוֹ, אָמַר: ״וְלִי מַה יָּקְרוּ רֵעֶיךָ אֵל״ [וגו׳];

The Gemara raises a further difficulty: **But doesn't Reish Lakish say: What** is the meaning of that **which is written: "This is the book of the generations of Adam,** in the day that God created man" (Genesis 5:1)? **Did Adam the first** man **have a book?** Rather, the verse **teaches that the Holy One, Blessed be He, showed Adam, the first** man, **every generation and its expositors, every generation and its Sages,** and **every generation and its leaders. When** Adam **arrived at the generation of Rabbi Akiva, he rejoiced in his Torah and was saddened by his death,** as Rabbi Akiva was tortured and murdered. Adam **said: "How weighty also are Your thoughts to me,**[N] **O God!** How great is the sum of them" (Psalms 139:17). It is evident from here that the Jews were destined to bear future generations from the beginning of time.

וְאָמַר רַבִּי יוֹסֵי: אֵין בֶּן דָּוִד בָּא עַד שֶׁיִּכְלוּ נְשָׁמוֹת שֶׁבַּגּוּף, שֶׁנֶּאֱמַר: ״[כִּי לֹא לְעוֹלָם אָרִיב וְלֹא לָנֶצַח אֶקְצוֹף] כִּי רוּחַ מִלְּפָנַי יַעֲטוֹף וּנְשָׁמוֹת אֲנִי עָשִׂיתִי״!

And similarly, **Rabbi Yosei says:** The Messiah, **son of David, will not come until all the souls of the body have been finished,**[N] i.e., until all souls that are destined to inhabit physical bodies will do so. **As it is stated: "For I will not contend for ever, neither will I be always wroth; for the spirit that enwraps itself is from Me, and the souls that I have made"** (Isaiah 57:16). According to Rabbi Yosei, in order for the Messiah to come in the end of days, it is necessary for the future generations to be born.

לָא תֵּימָא אָנוּ לֹא בָּאנוּ לָעוֹלָם, אֶלָּא: כְּמִי שֶׁלֹּא בָּאנוּ לָעוֹלָם. לְמֵימְרָא, דְּאִי לָא חָטְאוּ לָא הֲווּ מָיְיתֵי? וְהָכְתִיב פָּרָשַׁת יְבָמוֹת וּפָרָשַׁת נְחָלוֹת!

The Gemara answers: **Do not say** that if our ancestors had not sinned **we would not have come into the world,** as we still would have been born; **rather,** it would have been **as though we had not come into the world.** We would have been of no importance, due to the previous generations that would have still been alive. The Gemara asks: Is this **to say that if** the Jewish people **had not sinned** with the Golden Calf then **they would not have died? But isn't the chapter** that addresses **widows whose husbands die childless** (Deuteronomy 25:5–10) **written** in the Torah, **and the chapter** that addresses **the inheritance** a deceased father bequeaths to his sons (Numbers 27:8–11) is also written?

עַל תְּנַאי. וּמִי כְּתִיבִי קְרָאֵי עַל תְּנַאי? אִין, דְּהָכִי אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ, מַאי דִּכְתִיב: ״וַיְהִי עֶרֶב וַיְהִי בֹּקֶר יוֹם הַשִּׁשִּׁי״? מְלַמֵּד שֶׁהִתְנָה הַקָּדוֹשׁ בָּרוּךְ הוּא עִם מַעֲשֵׂה בְרֵאשִׁית, וְאָמַר: אִם מְקַבְּלִין יִשְׂרָאֵל אֶת הַתּוֹרָה – מוּטָב, וְאִם לָאו – אֲחֲזִיר אֶתְכֶם לְתוֹהוּ וָבוֹהוּ.

The Gemara answers: These passages were written **conditionally,** i.e., if the Jewish people were to sin and not become like angels, those *halakhot* would take effect. The Gemara asks: **And are verses written conditionally** in this manner? The Gemara answers: **Yes, as this** is what **Rabbi Shimon ben Lakish says: What** is the meaning of that **which is written: "And there was evening and there was morning, the sixth day"** (Genesis 1:31)? This **teaches that the Holy One, Blessed be He, established a condition with the acts of Creation, and He said: If the Jewish people accept the Torah** at the revelation at Sinai, all is **well** and the world will continue to exist. **But if** they do **not** accept it, **I will return you to** the primordial state of **chaos and disorder.**

NOTES

How weighty also are Your thoughts to me, etc. – וְלִי מַה יָּקְרוּ רֵעֶיךָ וגו׳: This entire chapter of Psalms is explained by the commentaries as referring to the creation of Adam. With regard to the connection between this verse and the death of Rabbi Akiva, some suggest that the Gemara is interpreting a phrase that appears in the continuation of the psalm: "If You would, slay the wicked, O God" (Psalms 139:19), i.e., if God were to slay anyone, He should slay the wicked, not the righteous (Maharsha).

Until all the souls of the body have been finished – עַד שֶׁיִּכְלוּ נְשָׁמוֹת שֶׁבַּגּוּף: Rashi explains that the treasury of souls is called: The body, and the redemption will not occur until it has been used up and all of the souls that are suitable for being born have appeared in the world. Accordingly, the verse: "For the spirit [*ru'aḥ*] that enwraps itself [*ya'atof*] is from Me, and the souls that I have made," should be understood as follows: "The spirit" is referring to this treasury of souls, and it is delayed [*ya'atof*] until the souls within it have been finished. *Tosafot* maintain that "*ru'aḥ*" is referring to the Messiah, as it is stated: "The breath [*ru'aḥ*] of our nostrils, the Messiah of the Lord" (Lamentations 4:20). They further explain that there is a special treasury designated for the souls of the Jewish people, and therefore one cannot answer that even if the Jews became immortal the rest of the world could continue producing offspring, as the end of days cannot occur until this treasury of souls is emptied. Other commentaries state that the souls are originally united together, and they do not exist as separate entities until they are placed within a human body (*Pardes Rimmonim*).

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מֵיתִיבִי: ״מִי יִתֵּן וְהָיָה לְבָבָם זֶה לָהֶם״, לְבַטֵּל מֵהֶם מַלְאַךְ הַמָּוֶת אִי אֶפְשָׁר, שֶׁכְּבָר נִגְזְרָה גְּזֵרָה,

The Gemara **raises an objection** from a *baraita* to the new formulation of Reish Lakish's statement, according to which the Jewish people would have become immortal had they not sinned with the Golden Calf. The verse states about the Jewish people after the revelation at Sinai: **"Who would give that they had such a heart as this always,** to fear Me, and keep all My commandments, that it might be good for them, and with their children forever" (Deuteronomy 5:25). The *baraita* states that although they had reached such an elevated state, it **was not possible to nullify** the power of **the Angel of Death over them, as the decree** of death **was already issued** from the time of creation.

הָא לֹא קִיבְּלוּ יִשְׂרָאֵל אֶת הַתּוֹרָה אֶלָּא כְּדֵי שֶׁלֹּא תְּהֵא אוּמָּה וְלָשׁוֹן שׁוֹלֶטֶת בָּהֶן, שֶׁנֶּאֱמַר: ״לְמַעַן יִיטַב לָהֶם וְלִבְנֵיהֶם עַד עוֹלָם״!

Rather, the *baraita* explains that **the Jewish people accepted the Torah only in order that no nation or tongue would rule over them, as it is stated** in the same verse: **"That it might be good for them, and with their children forever."** This indicates that had the Jewish people not sinned they would not have achieved immortality, which contradicts Reish Lakish's statement.

הוּא דְּאָמַר כִּי הַאי תַּנָּא; דְּתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: לֹא קִיבְּלוּ יִשְׂרָאֵל אֶת הַתּוֹרָה אֶלָּא כְּדֵי שֶׁלֹּא יְהֵא מַלְאַךְ הַמָּוֶת שׁוֹלֵט בָּהֶן, שֶׁנֶּאֱמַר: ״אֲנִי אָמַרְתִּי אֱלֹהִים אַתֶּם וּבְנֵי עֶלְיוֹן כֻּלְּכֶם״, חִבַּלְתֶּם מַעֲשֵׂיכֶם – ״אָכֵן כְּאָדָם תְּמוּתוּן״.

The Gemara answers: Reish Lakish **said** his statement **in accordance with** the opinion of **that *tanna*. As it is taught** in a *baraita* that **Rabbi Yosei says: The Jewish people accepted the Torah only in order that the Angel of Death would not rule over them, as it is stated: "I said: You are godlike beings, and all of you sons of the Most High"** (Psalms 82:6), i.e., they had become immortal like angels. Then, God states: After **you ruined your deeds, "yet you shall die like a man,** and fall like one of the princes" (Psalms 82:7).

וְרַבִּי יוֹסֵי נַמִּי, הָכְתִיב: ״לְמַעַן יִיטַב לָהֶם וְלִבְנֵיהֶם עַד עוֹלָם״, טוֹבָה הוּא דְּהָוְיָא, הָא מִיתָּה אִיכָּא! (רַבִּי יוֹסֵי) אָמַר לָךְ: כֵּיוָן דְּלֵיכָּא מִיתָּה, אֵין לְךָ טוֹבָה גְּדוֹלָה מִזּוֹ.

The Gemara asks: **And also,** according to **Rabbi Yosei, isn't it written: "That it might be good for them, and with their children forever,"** from which it may be inferred that although **it** will be **good** for them if they remain in this elevated state, **there** will still be **death?** The Gemara answers: **Rabbi Yosei** could have **said to you: Since there is no death, there is no greater good than this,** i.e., the promise of the verse is immortality.

וְתַנָּא קַמָּא נַמִּי, הָכְתִיב: ״אָכֵן כְּאָדָם תְּמוּתוּן״! מַאי מִיתָּה? עֲנִיּוּת, דְּאָמַר מָר: אַרְבָּעָה חֲשׁוּבִים כְּמֵתִים, אֵלּוּ הֵן: עָנִי, סוּמָא, וּמְצוֹרָע, וּמִי שֶׁאֵין לוֹ בָּנִים.

The Gemara inquires: **And** according to **the first *tanna* as well, isn't it written: "Yet you shall die like a man,"** which indicates that their mortality was decreed only due to the sin of the Golden Calf? The Gemara answers: **What** is meant by **death?** It means **poverty.**[N] **As the Master said: Four are considered as** though they were **dead: These are a pauper, a blind person, a leper, and one who has no children.**

עָנִי – דִּכְתִיב: ״כִּי מֵתוּ כָּל הָאֲנָשִׁים״, וּמַאן נִינְהוּ? דָּתָן וַאֲבִירָם; וּמִי מֵתוּ? מֵיהָוֵי הָווּ! אֶלָּא שֶׁיָּרְדוּ מִנִּכְסֵיהֶם.

A pauper is considered as though dead, **as it is written** that God said to Moses: "Go, return to Egypt; **for all the men** that sought your life **are dead"** (Exodus 4:19).[N] **And who were these** men? They were **Dathan and Abiram. But did they** really **die? They were** still alive, as they participated in the rebellion of Korah, which took place years later. **Rather,** the verse does not mean that they had died, but **that they had lost their property** and become impoverished. This demonstrates that a pauper is considered as though he were dead.

סוּמָא – דִּכְתִיב: ״בְּמַחֲשַׁכִּים הוֹשִׁיבַנִי כְּמֵתֵי עוֹלָם״. מְצוֹרָע – דִּכְתִיב: ״אַל נָא תְּהִי כַּמֵּת״. וּמִי שֶׁאֵין לוֹ בָּנִים – דִּכְתִיב: ״הָבָה לִי בָנִים וְאִם אַיִן מֵתָה אָנֹכִי״.

A blind person is considered as though he were dead, **as it is written: "He has made me to dwell in dark places, as those that have been long dead"** (Lamentations 3:6). **A leper** is considered as though he were dead, **as it is written** that Aaron said to Moses when Miriam was struck with leprosy:[B] **"Let her not, I pray, be as one dead"** (Numbers 12:12). **And one who has no children** is considered as though he were dead, **as it is written** that Rachel said to Jacob: **"Give me children, or else I am dead"** (Genesis 30:1).

NOTES

What is meant by death; it means poverty – מַאי מִיתָּה עֲנִיּוּת: As explained in many sources, poverty can be more difficult than death, since it is a constant state of suffering (*Iyyun Ya'akov*). The commentaries add that according to this explanation, the verse cited earlier: "Therefore, you shall die like a man [*ka'adam*]," should be understood as follows: Just as it was decreed that Adam would suffer in this world (see Genesis 3:17–19), so too the Jewish people will be subjugated by foreign rulers and live in poverty and destitution (Maharsha).

For all the men are dead – כִּי מֵתוּ כָּל הָאֲנָשִׁים: Since Dathan and Abiram were enemies of Moses, whenever the Torah mentions sinners without identifying them, it is understood to be referring to them. Therefore, it is derived that the men who had informed on Moses were Dathan and Abiram.

BACKGROUND

Leprosy [*tzara'at*] – צָרַעַת: Traditionally rendered in English as leprosy, the term used in the Torah is not necessarily the medical equivalent of that disease. The Torah term is referring to symptoms that cause severe ritual impurity. The *halakhot* governing these symptoms are articulated at length in Leviticus, chapters 13–15, and in the Mishna in tractate *Nega'im*.

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תָּנוּ רַבָּנַן: ״אִם בְּחֻקֹּתַי תֵּלֵכוּ״ – אֵין ״אִם״ אֶלָּא לְשׁוֹן תַּחֲנוּנִים, וְכֵן הוּא אוֹמֵר: ״לוּ עַמִּי שֹׁומֵעַ לִי [וגו׳] כִּמְעַט אוֹיְבֵיהֶם אַכְנִיעַ״, וְאוֹמֵר: ״לוּ הִקְשַׁבְתָּ לְמִצְוֹתָי וַיְהִי כַנָּהָר שְׁלוֹמֶךָ וגו׳ וַיְהִי כַחוֹל זַרְעֶךָ וְצֶאֱצָאֵי מֵעֶיךָ״ וגו׳.

The Sages taught with regard to the verse: **“If you walk in My statutes”** (Leviticus 26:3): In this context, **“if”** is **a term** that means **nothing other than supplication,** i.e., God is hoping that the Jewish people will observe the Torah. **And similarly, it is stated: “Oh that My people would hearken to Me,** that Israel would walk in My ways, **I would soon subdue their enemies”** (Psalms 81:14–15). **And it states: “Oh that you would hearken to My commandments! Then your peace would be as a river,** and your righteousness as the waves of the sea. **Your seed also would be as the sand, and the offspring of your body** like its grains” (Isaiah 48:18–19).

תָּנוּ רַבָּנַן: ״מִי יִתֵּן וְהָיָה לְבָבָם זֶה לָהֶם״, אָמַר לָהֶן מֹשֶׁה לְיִשְׂרָאֵל: כְּפוּיֵי טוֹבָה בְּנֵי כְּפוּיֵי טוֹבָה, בְּשָׁעָה שֶׁאָמַר הַקָּדוֹשׁ בָּרוּךְ הוּא לְיִשְׂרָאֵל: ״מִי יִתֵּן וְהָיָה לְבָבָם זֶה לָהֶם״, הָיָה לָהֶם לוֹמַר: תֵּן אַתָּה.

§ The Gemara returns to a verse cited above. **The Sages taught** with regard to the verse: **“Who would give that they had such a heart as this** always, to fear Me, and keep all My commandments, that it might be good for them, and with their children forever” (Deuteronomy 5:25). At a later stage, **Moses said to the Jewish people: Ingrates, children of ingrates! When the Holy One, Blessed be He, said to the Jewish people: “Who would give that they had such a heart as this always,” they should have said: You should give** us a heart to fear You.

כְּפוּיֵי טוֹבָה, דִּכְתִיב: ״וְנַפְשֵׁנוּ קָצָה

The Gemara explains that Moses calls the Jewish people **ingrates, as it is written** that the Jewish people spoke disparagingly of the manna: **“And our soul loathes**

Perek **I**
Daf **5** Amud **b**

NOTES

A person does not understand, etc. – לָא קָאֵי אִינִישׁ וכו׳: Some commentaries explain that this is a reference to Moses, who realized what the Jewish people should have asked from God only after forty years. In other words, it took him forty years to understand what his teacher, God, thought (Rashi). Others claim that this is referring to the Jewish people, as Moses waited forty years for them to issue this request. After forty years, when they still had not asked God to give them a heart to fear Him, Moses realized that it was because they were ungrateful (*Tosafot* on 5a, citing Ri; see Maharal). Alternatively, the teacher mentioned here is Moses rather than God. Accordingly, Moses was saying to the Jewish people: Until now you were unable to understand this matter, and therefore for forty years I refrained from rebuking you. After forty years they should have been able to understand, and therefore he castigated them (Rid).

That send forth freely the feet – מְשַׁלְּחֵי רֶגֶל: The verse is interpreted as follows: Those who engage in Torah study and the performance of acts of kindness can dismiss and “send forth freely the feet” of the evil inclination (Rashi).

בַּלֶּחֶם הַקְּלֹקֵל״; בְּנֵי כְּפוּיֵי טוֹבָה – דִּכְתִיב: ״הָאִשָּׁה אֲשֶׁר נָתַתָּה עִמָּדִי הִיא נָתְנָה לִי מִן הָעֵץ וָאֹכֵל״.

this light bread” (Numbers 21:5), despite the fact it was the highest-quality food. Moses further called them **children of ingrates, as it is written** that after sinning and eating from the tree of knowledge, Adam said: **“The woman whom You gave to be with me, she gave me of the tree, and I did eat”** (Genesis 3:12). Adam complained that the woman had been given to him in order to cause him to sin, whereas in fact she had been given to him to serve as a helpmate.

אַף מֹשֶׁה רַבֵּינוּ לֹא רָמַז זֹאת לָהֶן לְיִשְׂרָאֵל אֶלָּא לְאַחַר אַרְבָּעִים שָׁנָה, שֶׁנֶּאֱמַר: ״וָאוֹלֵךְ אֶתְכֶם בַּמִּדְבָּר אַרְבָּעִים שָׁנָה״, וּכְתִיב: ״וְלֹא נָתַן ה׳ לָכֶם לֵב״ וגו׳. אֲמַר רַבָּה, שְׁמַע מִינָּהּ: לָא קָאֵי אִינִישׁ אַדַּעְתֵּיהּ דְּרַבֵּיהּ עַד אַרְבָּעִין שְׁנִין.

Yet **even Moses our teacher,** who said this to the Jewish people, **did not allude to the Jewish people until after forty years** that they should have stated this request, **as it is stated: “And I have led you forty years in the wilderness”** (Deuteronomy 29:4), which shows that Moses was speaking forty years after the revelation at Sinai. **And** at that point **it is written: “But the Lord has not given you a heart** to know, and eyes to see, and ears to hear, until this day” (Deuteronomy 29:3). **Rabba said: Conclude from** here that **a person does not understand**[N] **the opinion of his teacher until** after **forty years,** as Moses said this to the Jewish people only after forty years of learning Torah.

אָמַר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי בְּנָאָה, מַאי דִּכְתִיב: ״אַשְׁרֵיכֶם זֹרְעֵי עַל כָּל מָיִם מְשַׁלְּחֵי רֶגֶל הַשּׁוֹר וְהַחֲמוֹר״? אַשְׁרֵיהֶם יִשְׂרָאֵל, בְּזְמַן שֶׁעוֹסְקִין בַּתּוֹרָה וּבִגְמִילוּת חֲסָדִים – יִצְרָם מָסוּר בְּיָדָם וְאֵין הֵם מְסוּרִים בְּיַד יִצְרָם, שֶׁנֶּאֱמַר: ״אַשְׁרֵיכֶם זֹרְעֵי עַל כָּל מָיִם״, וְאֵין זְרִיעָה אֶלָּא צְדָקָה, שֶׁנֶּאֱמַר: ״זִרְעוּ לָכֶם לִצְדָקָה וְקִצְרוּ לְפִי חֶסֶד״, וְאֵין מַיִם אֶלָּא תּוֹרָה, שֶׁנֶּאֱמַר: ״הוֹי כָּל צָמֵא לְכוּ לַמָּיִם״.

Rabbi Yoḥanan says in the name of Rabbi Bana’a: What is the meaning of that **which is written: “Happy are you that sow beside all waters, that send forth freely the feet**[N] **of the ox and the donkey”** (Isaiah 32:20)? **Happy are you Israel; when they,** i.e., the Jewish people, **engage in Torah** study **and in acts of kindness, their** evil **inclination is given over to them, and they are not given over to their** evil **inclination, as it is stated: “Happy are you that sow beside all waters.” And** the term **sowing** is referring to **nothing other than** performing **charitable** deeds, **as it is stated: “Sow to yourselves according to charitableness, reap according to mercy”** (Hosea 10:12). **And** the term **waters** is referring to **nothing other than** the **Torah, as it is stated: “Ho, every one that thirsts, come for water”** (Isaiah 55:1).

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״מְשַׁלְּחֵי רֶגֶל הַשּׁוֹר וְהַחֲמוֹר״, תָּנָא דְּבֵי אֵלִיָּהוּ: לְעוֹלָם יָשִׂים אָדָם עַצְמוֹ עַל דִּבְרֵי תוֹרָה כְּשׁוֹר לָעוֹל וְכַחֲמוֹר לְמַשָּׂאוֹי.

With regard to the continuation of the verse: **"That send forth freely the feet of the ox and the donkey,"** one of the Sages of **the school of Eliyahu taught: A person should always make himself** subjugated **to matters of Torah like an ox to a yoke and like a donkey to a burden.**

״שְׁלֹשָׁה יָמִים אָסוּר לָשֵׂאת וְלָתֵת עִמָּהֶם״ וכו׳. וּמִי בָּעֵינַן כּוּלֵּי הַאי?

§ After concluding its long introduction, the Gemara analyzes the mishna. The mishna taught that on **the three days** before the festivals of gentiles **it is prohibited to engage with them in business** or to lend them items. The Gemara asks: **And** is it the practice of a gentile to buy an animal so far in advance of his festival that it is **required**[N] of Jews to refrain from selling an animal to idol worshippers for **all of these** days before their festivals?

וְהָתְנַן: בְּאַרְבָּעָה פְּרָקִים בַּשָּׁנָה, הַמּוֹכֵר בְּהֵמָה לַחֲבֵירוֹ צָרִיךְ לְהוֹדִיעוֹ: ״אִמָּהּ מָכַרְתִּי לִשְׁחוֹט״ ״בִּתָּהּ מָכַרְתִּי לִשְׁחוֹט״,

But didn't we learn in a mishna (*Ḥullin* 83a): **On four occasions**[H] **during the year one who sells an animal to another is required to inform him: I sold the mother of** this animal today for the buyer **to slaughter** it, or: **I sold the daughter of** this animal today for the buyer **to slaughter** it. This notification is necessary so that this buyer will not slaughter the animal on the same day that its mother or its young is slaughtered, thereby violating the prohibition: "You shall not kill it and its young both in one day" (Leviticus 22:28).

וְאֵלּוּ הֵן: עֶרֶב יוֹם טוֹב הָאַחֲרוֹן שֶׁל חַג, עֶרֶב יוֹם טוֹב הָרִאשׁוֹן שֶׁל פֶּסַח, וְעֶרֶב עֲצֶרֶת, וְעֶרֶב רֹאשׁ הַשָּׁנָה, וּכְדִבְרֵי רַבִּי יוֹסֵי הַגְּלִילִי – אַף עֶרֶב יוֹם הַכִּפּוּרִים בַּגָּלִיל!

The mishna continues: **And those** four occasions **are: The eve of the last day of the festival**[N] of *Sukkot*, **the eve of the first day of the festival of Passover, and the eve of *Shavuot*, and the eve of Rosh HaShana. And according to the statement of Rabbi Yosei HaGelili, the eve of Yom Kippur in the Galilee**[N] is included **as well.** This mishna indicates that one prepares for a festival for only one day prior to the event. Why does the mishna here prohibit sales three days prior to gentile festivals?

הָתָם דְּלַאֲכִילָה – סַגְיָא בְּחַד יוֹמָא, הָכָא דְּלְהַקְרָבָה – בָּעֵינַן תְּלָתָא יוֹמֵי. וּלְהַקְרָבָה סָגֵי בִּתְלָתָא יוֹמֵי? וְהָתְנַן: שׁוֹאֲלִין בְּהִלְכוֹת הַפֶּסַח קוֹדֶם הַפֶּסַח שְׁלֹשִׁים יוֹם, רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: שְׁתֵּי שַׁבָּתוֹת!

The Gemara answers: **There,** in the mishna in *Ḥullin*, **where** the animal is purchased **for consumption, it is sufficient** to prepare **one day** before the festival. **Here,** in the case of this mishna, where the animal is purchased **for sacrifice,** the gentile **requires three days** to ensure that the animal has no blemish. The Gemara asks: **And for** the purpose of **sacrifice,** is it **sufficient** to prepare merely **three days** in advance? **But didn't we learn** in a *baraita*: **One** begins to **ask about the *halakhot* of Passover**[H] **thirty days before Passover; Rabban Shimon ben Gamliel says:** One begins to inquire only **two weeks** before Passover. According to both opinions, far more than three days are needed in order to begin preparing for the sacrifice of an offering. One can assume that the same applies to gentiles.

אֲנַן דְּשָׁכִיחִי מוּמִין דְּפָסְלִי, אֲפִילּוּ בִּדּוּקִין שֶׁבָּעַיִן – בָּעֵינַן תְּלָתִין יוֹמִין, אִינְהוּ דְּמִחוּסַּר אֵבֶר אִית לְהוּ – בִּתְלָתָא יוֹמֵי סָגֵי;

The Gemara answers: **We** Jews, **for whom blemishes that disqualify** the animal **are common,** as **even** a small blemish **on the cornea of the eye**[HB] disqualifies it, **we require thirty days** to prepare for the sacrificial offerings of the festivals. By contrast, with regard to **them,** gentiles, **they hold** that the only blemish that disqualifies the animal is if it is **lacking** an entire **limb;** therefore, **three days are sufficient** for them to prepare for the sacrifice.

NOTES

Is it the practice of a gentile to buy an animal so far in advance of his festival that it is required, etc. – מִי בָּעֵינַן וכו׳: Rashi indicates that the principal concern with engaging in business with a gentile is that one might sell him an animal that will be sacrificed on his festival. The Gemara's question is whether such a lengthy period of time is necessary: Would the gentile set aside an animal for an offering so long before the festival? Other early commentaries explain that when the gentile is preparing for his festival, he is more conscious of his idol worship and assumes that everything that occurs to him is caused by his god. If so, the Gemara's question is whether a gentile prepares for his festival three days in advance so that he would have this thought in mind (see Rid, Ran, and *Tosafot*).

Eve of the last day of the festival – עֶרֶב יוֹם טוֹב הָאַחֲרוֹן: The eve of the first day of *Sukkot* is not included, as there is no time for large meals, since everyone is busy building the *sukka* and obtaining a *lulav* and four species. Furthermore, the four occasions listed in the mishna are all times of special feasts: The last day of *Sukkot*, or the Eighth day of Assembly, is described as a Festival established by God due to His great love for the Jewish people, and it is customary to celebrate it with extra joy. Passover eve is likewise included in the joy of the festival of redemption, and there are additional peace-offerings that are brought on that day. The eve of *Shavuot* is marked by a feast due to the giving of the Torah, and Rosh HaShana eve is celebrated with a special meal as an auspicious start to the year.

Eve of Yom Kippur in the Galilee – עֶרֶב יוֹם הַכִּפּוּרִים בַּגָּלִיל: The custom in the Galilee was to have large meals on Yom Kippur eve, as the Sages say that whoever eats on Yom Kippur eve is considered as though he fasted both on that day and on the following day.

BACKGROUND

Cornea of the eye – דּוּקִין שֶׁבָּעַיִן: These spots are types of cataracts. Such blemishes are not readily apparent and could appear in animals as a result of a light wound or various diseases of the eye.

HALAKHA

On four occasions, etc. – בְּאַרְבָּעָה פְּרָקִים וכו׳: There are four occasions during the year when a seller must inform one who buys his animal that he has already sold its mother or its young for the purpose of slaughter. He informs him so that the buyer will wait a day and only then slaughter the mother or offspring. These occasions are the eve of the last day of the festival of *Sukkot*, the eve of the first day of the festival of Passover, the eve of *Shavuot*, and the eve of Rosh HaShana (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:14; *Shulḥan Arukh*, *Yoreh De'a* 16:6).

One begins to ask about the *halakhot* of Passover, etc. – שׁוֹאֲלִין בְּהִלְכוֹת הַפֶּסַח וכו׳: One begins to inquire into the *halakhot* of Passover thirty days before the Festival, beginning already on Purim (Gra). This *halakha* is in accordance with the statement of the first *tanna* (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 429:1).

Small blemish on the on the cornea of the eye – בִּדּוּקִין שֶׁבָּעַיִן: This blemish, which is called *dak* in the Torah (see Leviticus 21:20), involves either a white spot on top of the pupil of the eye, or a black spot within the white of the eye. This blemish disqualifies a person from serving as a priest, and an animal as an offering. With regard to offerings brought by the descendants of Noah, an animal is disqualified only if it is missing a limb (Rambam *Sefer Avoda*, *Hilkhot Biat Mikdash* 7:5).

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דְּאָמַר רַבִּי אֶלְעָזָר: מִנַּיִן לְמְחוּסַּר אֵבֶר דְּאָסוּר לִבְנֵי נֹחַ? דִּכְתִיב: ״וּמִכָּל הַחַי מִכָּל בָּשָׂר שְׁנַיִם מִכֹּל״ וגו׳, אָמְרָה תּוֹרָה: הָבֵא בְּהֵמָה שֶׁחַיִּין רָאשֵׁי אֵבָרִים שָׁלָהּ.

As Rabbi Elazar says: From where is it derived with regard to an animal **that is lacking a limb, that it is prohibited for descendants of Noah**[N] to sacrifice it as an offering? **As it is written: "And of every living thing of all flesh, two of every** sort you shall bring into the ark, to keep them alive with you" (Genesis 6:19). In this verse **the Torah states: Bring an animal whose extremities are alive,** as some of those animals were to be used later as offerings.

הַאי מִיבָּעֵי לֵיהּ לְמַעוּטֵי טְרֵיפָה דְּלָא! טְרֵיפָה מ״לְחַיּוֹת זֶרַע״ נַפְקָא. הָנִיחָא לְמַאן דְּאָמַר: טְרֵיפָה אֵינָהּ יוֹלֶדֶת,

The Gemara asks: Isn't **that** verse **required** to teach **that an animal with a wound that will cause it to die within twelve months** [***tereifa***] **is not** fit to be sacrificed as an offering? The Gemara answers: The disqualification of **a *tereifa* is derived from** the phrase: **"To keep seed alive"** (Genesis 7:3), as a *tereifa* cannot propagate. The Gemara asks: **This works out well according to the one who says** that **a *tereifa* cannot give birth.**[H] According to this opinion, the disqualification of a missing limb is derived from the phrase: "Of every living thing," while the disqualification of a *tereifa* is learned from the phrase: "To keep seed alive."

NOTES

That it is prohibited for descendants of Noah – דְּאָסוּר לִבְנֵי נֹחַ: This is referring to the offerings that are sacrificed by the descendants of Noah to God, not to their objects of idol worship. Nevertheless, as the ancestors of gentiles would not sacrifice offerings that were missing a limb, their descendants, when offering sacrifices to their objects of idol worship, likewise refrained from sacrificing animals with missing limbs (Rashi).

HALAKHA

A *tereifa* cannot give birth – טְרֵיפָה אֵינָהּ יוֹלֶדֶת: If it is uncertain whether an animal or bird is a *tereifa*, and the animal or bird in question is female and bore offspring, it loses its uncertain status and is presumed to be without defect. This is due to the principle that a *tereifa* cannot give birth (*Kesef Mishne*). This applies only when it actually bears offspring, not when it merely becomes pregnant (Maharshal). If the animal bore a stillborn, or if it was a bird and it laid incomplete eggs, this is insufficient proof that it is not a *tereifa* (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 11:1; *Shulḥan Arukh*, *Yoreh De'a* 57:18 and *Pitḥei Teshuva* there).

Perek **I**
Daf **6** Amud **a**

אֶלָּא לְמַאן דְּאָמַר: טְרֵיפָה יוֹלֶדֶת, מַאי אִיכָּא לְמֵימַר? אָמַר קְרָא: ״אִתָּךְ״ – בְּדוֹמִין לָךְ. וְדִלְמָא נֹחַ גּוּפֵיהּ טְרֵיפָה הֲוָה! ״תְּמִים״ כְּתִיב בֵּיהּ.

But according to the one who says that a ***tereifa* can give birth,**[N] **what can be said?** According to this opinion, a *tereifa* cannot be excluded by the phrase: "To keep seed alive." The Gemara answers: **The verse states** with regard to the animals that were brought by Noah into the ark: "You shall bring into the ark, to keep them alive **with you"** (Genesis 6:19). The term "with you" indicates that the verse is stated **with regard to** animals that are **similar to you,** but not a *tereifa*. The Gemara asks: **But perhaps Noah himself was a *tereifa*.** If so, one cannot exclude a *tereifa* from the comparison of animals to Noah. The Gemara answers: **It is written about** Noah that he was **"complete"** (Genesis 6:9).

וְדִלְמָא תָּמִים בְּדָרָכָיו הָיָה! ״צַדִּיק״ כְּתִיב בֵּיהּ.

The Gemara challenges: **But perhaps** the verse means that **his ways were complete,** but it is not referring to Noah's physical attributes. The Gemara explains: **It is** already **written about him** that he was **"righteous"** (Genesis 6:9), which means that his actions were perfect. Consequently, when the verse says that he was also complete, it must be referring to his body.

דִּלְמָא תָּמִים בְּדָרָכָיו, צַדִּיק בְּמַעֲשָׂיו הֲוָה! לָא סָלְקָא דַּעְתָּךְ דְּנֹחַ גּוּפֵיהּ טְרֵיפָה הֲוָה, דְּאִי סָלְקָא דַּעְתָּךְ דְּנֹחַ טְרֵיפָה הֲוָה, אֲמַר לֵיהּ רַחֲמָנָא: כְּוָותָךְ עֵיילִי, שְׁלֵמִין לָא תְּעַיֵּיל?

The Gemara challenges: But **perhaps** the verse means that Noah was **complete in his manner,**[N] and he **was righteous in his** good **deeds.** Accordingly, the verse would not exclude the possibility that Noah himself was a *tereifa*. The Gemara explains: **It cannot enter your mind that Noah himself was a *tereifa*, as, if it enters your mind that Noah was a *tereifa*,** would **the Merciful One** have **said to him: Bring in *tereifot* like you** to the ark, but **do not bring in whole** and perfect animals?

וְהָשְׁתָּא דְּנָפְקָא לֵיהּ מֵ״אִתָּךְ״, ״לְחַיּוֹת זֶרַע״ לָמָּה לִי? אִי מֵ״אִתָּךְ״, הֲוָה אָמִינָא לְצַוּותָא בְּעָלְמָא, וַאֲפִילּוּ זָקֵן וַאֲפִילּוּ סָרִיס – כְּתַב רַחֲמָנָא ״זֶרַע״.

The Gemara asks: **And now that** it has been established that **one derives** the disqualification of a *tereifa* **from** the term **"with you," why do I** need the phrase **"to keep seed alive"?** The Gemara answers: **If** one could learn only **from "with you," I would say** that Noah brought the animals to the ark **only for** the purpose of **company,**[N] **and** therefore **even** an animal that is **elderly and even one who is castrated** can come into the ark, provided that it is not a *tereifa*. Therefore, **the Merciful One writes:** "To keep **seed** alive," teaching that only animals that could bear offspring may be brought into the ark.

NOTES

According to the one who says that a *tereifa* can give birth – לְמַאן דְּאָמַר טְרֵיפָה יוֹלֶדֶת: According to this opinion, the phrase "of every living thing" serves to exclude a *tereifa*.

Complete in his manner, etc. – תָּמִים בְּדָרָכָיו וכו׳: The difference between the description: Complete in his manner, and the description: Righteous in this deeds, is that his manner is referring to his manner of behavior, which was modest and unassuming, while his righteousness is referring to his actions, i.e., he did not engage in the sin common to his generation, that of theft (Rashi). Alternatively, the completeness of his manner is referring to his interactions with other people, whereas his righteousness was in his behavior toward God (Ritva).

Only for the purpose of company – לְצַוּותָא בְּעָלְמָא: According to this suggestion, the animals were brought into the ark for companionship, not for them to procreate after the flood. If so, a *tereifa* would not have been admitted, as it is unlikely that it would survive throughout the flood, whereas an elderly or castrated animal is suitable for companionship despite the fact that it cannot procreate (Rashi).

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אִיבַּעְיָא לְהוּ: שְׁלֹשָׁה יָמִים, הֵן וְאֵידֵיהֶן, אוֹ דִלְמָא הֵן בְּלֹא אֵידֵיהֶן?

§ **A dilemma was raised before** the Sages: When the mishna teaches that it is prohibited to conduct business with gentiles on the **three days** before their festival, do the three days include **them,** i.e., the days preceding the festival **and their festival** itself, in which case the prohibition applies only to the festival and the two preceding days? **Or perhaps** it is referring to **them without their festival,**[H] i.e., the prohibition applies to three full days before the festival.

תָּא שְׁמַע, רַבִּי יִשְׁמָעֵאל אוֹמֵר: שְׁלֹשָׁה לִפְנֵיהֶם וּשְׁלֹשָׁה לְאַחֲרֵיהֶן אָסוּר; אִי סָלְקָא דַּעְתָּךְ הֵן וְאֵידֵיהֶן, רַבִּי יִשְׁמָעֵאל יוֹם אֵידֵיהֶן חָשֵׁיב לְהוּ מֵעִיקָּרָא וְחָשֵׁיב לְהוּ לְבַסּוֹף?

The Gemara suggests a proof from a mishna (7b). **Come** and **hear,** as **Rabbi Yishmael says:** On the **three** days **before** the festivals of gentiles **and** the **three** days **after them,** these actions are **prohibited.** The Gemara analyzes this statement. **If it enters your mind** that the three days include **them and their festival,** this would mean that **Rabbi Yishmael counts the day of their festival** twice, as he counts it **initially,** as part of the first set of three days, **and** he also **counts it at the end,** along with the second set of three days. Clearly, the three days do not include the day of the festival itself.

אַיְידֵי דִּתְנָא שְׁלֹשָׁה לִפְנֵיהֶם, תְּנָא נַמִּי שְׁלֹשָׁה לְאַחֲרֵיהֶם.

The Gemara rejects this proof: It is possible that the festival is counted as one of the initial three days, i.e., the three days include them and their festival, and is not counted as part of the three days following the festival. But **since** Rabbi Yishmael **taught** that these actions are prohibited during the **three** days **before them,** he **also** used the same expression and **taught** that these actions are prohibited during the **three** days **after them,** although what he is actually teaching is that these actions are prohibited only during the two days after it.

תָּא שְׁמַע, דְּאָמַר רַב תַּחְלִיפָא בַּר אַבְדִּימִי אָמַר שְׁמוּאֵל: נוֹצְרִים לְדִבְרֵי רַבִּי יִשְׁמָעֵאל לְעוֹלָם אָסוּר; וְאִי סָלְקָא דַּעְתָּךְ הֵן וְאֵידֵיהֶן, הָאִיכָּא אַרְבָּעָה וַחֲמִשָּׁה דְּשָׁרֵי!

The Gemara suggests: **Come** and **hear** a proof from that **which Rav Taḥlifa bar Avdimi says** that **Shmuel says: According to the statement of Rabbi Yishmael, it is always prohibited** to engage in business with **Christians,**[H] as their festival takes place every Sunday. Since the three days preceding and following their festival are included in the prohibition, one cannot engage in business with them any day of the week. **And if it enters your mind** that the three days of the mishna include **them and their festival,** i.e., only the two days preceding and following the festival are included in the prohibition, then according to Rabbi Yishmael **there are** still **Wednesday and Thursday,** on **which** it is **permitted** to engage in business with Christians.

אַלִּיבָּא דְּרַבִּי יִשְׁמָעֵאל לָא קָמְבָּעְיָא לִי דְּהֵן בְּלֹא אֵידֵיהֶן, כִּי קָא מְבָּעְיָא לִי – אַלִּיבָּא דְּרַבָּנַן, מַאי?

The Gemara clarifies: **According to** the opinion **of Rabbi Yishmael, I have no dilemma, as** it is clear that the three days mentioned in the mishna are **them without their festival. When I raise the dilemma,** it is **according to** the opinion **of the Rabbis: What** days are included in the prohibition according to their opinion?

אָמַר רָבִינָא: תָּא שְׁמַע, וְאֵלּוּ הֵן אֵידֵיהֶן שֶׁל גּוֹיִם: קַלַנְדָּא, סַטְרוּנֵיָא, וּקְרַטֵסִים; וְאָמַר רַב חָנִין בַּר רָבָא: קַלַנְדָּא – שְׁמוֹנָה יָמִים אַחַר תְּקוּפָה, סַטְרוּנֵיָא – שְׁמוֹנָה יָמִים לִפְנֵי תְּקוּפָה, וְסִימָנָךְ: ״אָחוֹר וָקֶדֶם צַרְתָּנִי״;

Ravina says: Come and **hear** a proof from the continuation of the mishna (8a). **And these are the festivals of gentiles: Kalenda, Saturnalia, and Kratesis. And Rav Ḥanin bar Rava says** in explanation of that mishna: When do these festivals occur? **Kalenda** is held during the **eight days after** the winter **solstice,** and **Saturnalia** is held during the **eight days before** the winter **solstice. And your mnemonic** to remember which festival is which is that the festival that occurs after the solstice is mentioned first and the festival that takes place before it is mentioned later, as in the verse: "**You have hemmed me in behind and before**" (Psalms 139:5), where the word "before" appears after the term "behind."

וְאִי סָלְקָא דַּעְתָּךְ הֵן וְאֵידֵיהֶן, עֲשָׂרָה הָווּ! תַּנָּא, כּוּלֵּיהּ קַלַנְדָּא חַד יוֹמָא הוּא חָשֵׁיב לֵיהּ.

Ravina explains the proof: **And if it enters your mind** that the *tanna* of the mishna counts **them and their festival,** in this case **there are ten** days that are included in the prohibition: The eight days of the festival and the two days beforehand. Why, then, would the mishna say that the prohibition applies for only three days? If the three days do not include the festivals themselves, then this difficulty does not apply, as although in practice the prohibition lasts for eleven days, the mishna is not referring to the period of the festival. The Gemara responds: This proof is inconclusive, as the ***tanna* counts all** of the festival of **Kalenda** as **one day.**[H]

HALAKHA

Them without their festival – הֵן בְּלֹא אֵידֵיהֶן: It is prohibited to buy items from or sell items to gentiles during the three days preceding their festivals (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 148:1).

Christians – נוֹצְרִים: The Rambam's comments on this matter, which were censored from most editions, are as follows: Since Christians are considered idol worshippers and Sunday is their festival, it is prohibited to buy items from them or sell items to them in Eretz Yisrael on Thursday and Friday of every week. With regard to Sunday itself, the prohibition applies even outside of Eretz Yisrael. The accepted practice nowadays is to permit such practices, since they do not really engage in idol worship, as well as for other reasons (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:4; *Shulḥan Arukh*, *Yoreh De'a* 148:12).

The *tanna* counts all of Kalenda as one day – כּוּלֵּיהּ קַלַנְדָּא חַד יוֹמָא הוּא חָשֵׁיב לֵיהּ: If a festival of the gentiles lasts for several days, they are all considered one day, and they are included in the prohibition against engaging in business with gentiles together with the three days preceding the festival (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:3; *Shulḥan Arukh*, *Yoreh De'a* 148:3).

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אָמַר רַב אַשִׁי, תָּא שְׁמַע: לִפְנֵי אֵידֵיהֶן שֶׁל גּוֹיִם שִׁלְשָׁה יָמִים; וְאִי סָלְקָא דַּעְתָּךְ הֵן וְאֵידֵיהֶן, לֵיתְנֵי: אֵידֵיהֶן שֶׁל גּוֹיִם שִׁלְשָׁה יָמִים!

Rav Ashi says: Come and **hear** a proof from the mishna, which specifies that the time that the actions are prohibited is: On **the three days before the festivals of gentiles. And if it enters your mind** that the mishna is referring to **them and their festival, let it teach:** At the time of **the festivals of gentiles,** it is prohibited to engage in business with them for **three days.** The wording of the mishna indicates that all three days are before the festival.

וְכִי תֵּימָא, הַאי דְּקָתָנֵי ״לִפְנֵי אֵידֵיהֶן״ – לְמַעוּטֵי לְאַחַר אֵידֵיהֶן, לֵיתְנֵי: אֵידָם שֶׁל גּוֹיִם שִׁלְשָׁה יָמִים לִפְנֵיהֶם! אֶלָּא שְׁמַע מִינָּהּ: הֵן בְּלֹא אֵידֵיהֶן, שְׁמַע מִינָּהּ.

And if you would say: That which is taught in the mishna: **Before the festivals** of the gentiles, serves **to exclude** the days **following their festivals,** i.e., the *tanna* is clearly indicating that the prohibition applies before, rather than afterward, **let** the mishna **teach:** At the time of **the festivals of gentiles,** it is prohibited to engage in business with them for **three days beforehand. Rather, conclude from** the wording employed that when the mishna states: The three days before the festivals, it is referring to **them without their festival.** The Gemara affirms: **Conclude from** here that this is the case.

אִיבַּעְיָא לְהוּ: מִשּׁוּם הַרְוָוחָה, אוֹ דִלְמָא מִשּׁוּם ״וְלִפְנֵי עִוֵּר לֹא תִתֵּן מִכְשֹׁל״?

§ **A dilemma was raised before** the Sages: Is the reason for the prohibition against conducting business with gentiles in the days preceding their festivals **because** the gentile might **profit,**[N] which will bring him joy, and he will subsequently give thanks to his idol on his festival? **Or perhaps** it is because this is a violation of the prohibition: "**And you shall not put a stumbling block before the blind**" (Leviticus 19:14), as one who sells an animal to a gentile thereby aids him in engaging in prohibited idol worship.

לְמַאי נָפְקָא מִינָּהּ? דְּאִית לֵיהּ בְּהֵמָה לְדִידֵיהּ, אִי אָמְרַתְּ מִשּׁוּם הַרְוָוחָה – הָא קָא מַרְוַוח לֵיהּ, אִי אָמְרַתְּ מִשּׁוּם ״עִוֵּר לֹא תִתֵּן מִכְשֹׁל״ – הָא אִית לֵיהּ לְדִידֵיהּ.

The Gemara explains: **What is the** practical **difference** between the two options? The practical difference is in a situation **where** the gentile already **has an animal of his own. If you say** that the reason for the prohibition is **because** he might **profit,** here too the Jew **causes him to profit.** But **if you say** that the reason for the prohibition is **due to** the prohibition: "**You shall not put a stumbling block** before **the blind,**" since the gentile **has his own** animal, the Jew is not helping him sin.

וְכִי אִית לֵיהּ, לָא עָבַר מִשּׁוּם ״עִוֵּר לֹא תִתֵּן מִכְשֹׁל״? וְהָתַנְיָא, אָמַר רַבִּי נָתָן:

The Gemara challenges: **And** even **if he** already **has** his own animal, does **not** one who assists him **transgress due to** the command: "**You shall not put a stumbling block** before **the blind**"? **But isn't it taught** in a *baraita* that **Rabbi Natan said:**

NOTES

Because the gentile might profit – מִשּׁוּם הַרְוָוחָה: If the gentile earns a profit, he might give thanks to his idol (see 6b). If so, the Jew would have violated the prohibition: "And make no mention of the name of other gods, neither let it be heard out of your mouth" (Exodus 23:13), which is interpreted by the Sages as enjoining Jews not to cause a gentile to give thanks to his idol (Rashi). Others claim that the Gemara is asking whether in addition to the prohibition: "You shall not put a stumbling block before the blind," there is another prohibition against causing the gentile to profit. According to this opinion, the prohibition against putting a stumbling block certainly applies here. The only question is whether there is an additional reason to prohibit engaging in business with gentiles during this period, which applies even where the prohibition against placing a stumbling block is not relevant for whatever reason (Ritva; Meiri).

Perek **I**
Daf **6** Amud **b**

מִנַּיִן שֶׁלֹּא יוֹשִׁיט אָדָם כּוֹס שֶׁל יַיִן לְנָזִיר, וְאֵבֶר מִן הַחַי לִבְנֵי נֹחַ? תַּלְמוּד לוֹמַר: ״וְלִפְנֵי עִוֵּר לֹא תִתֵּן מִכְשֹׁל״; וְהָא הָכָא דְּכִי לָא יָהֲבִינַן לֵיהּ שָׁקְלֵי אִיהוּ, וְקָעָבַר מִשּׁוּם ״לִפְנֵי עִוֵּר לֹא תִתֵּן מִכְשֹׁל״!

From where is it derived **that a person may not extend a cup of wine to a nazirite,** who is prohibited from drinking wine, **and** that he may not extend **a limb** severed **from a living animal**[N] **to descendants of Noah? The verse states: "And you shall not put a stumbling block before the blind"** (Leviticus 19:14). **But here,** in both cases, **if one does not give it to him, he can take it himself, and** yet the one who provides it to him **transgresses due to** the prohibition: "**You shall not put a stumbling block before the blind.**"

הָכָא בְּמַאי עָסְקִינַן – דְּקָאֵי בְּתַרֵי עֲבֵרֵי נַהֲרָא. דַּיְקָא נַמִי, דְּקָתָנֵי ״לֹא יוֹשִׁיט״, וְלָא קָתָנֵי ״לֹא יִתֵּן״, שְׁמַע מִינָּהּ.

The Gemara answers: **Here we are dealing with** a case **where they are standing on** the **two sides** of **a river,** and therefore the recipient could not have taken it himself. Since his help was instrumental, the one who conveyed the item has violated the prohibition of putting a stumbling block before the blind. The Gemara adds: The language of the *baraita* **is also precise, as it teaches:** A person **may not extend, and it does not teach: One may not give. Learn from** the usage of the term extend that the *baraita* is referring to one located on one side of a river, who extends the item to the one on the other side.

NOTES

That he may not extend a limb severed from a living animal, etc. – אֵבֶר מִן הַחַי וכו': Descendants of Noah are prohibited by Noahide law from eating a limb from a living animal, as stated explicitly in Genesis 9:4.

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אִיבַּעְיָא לְהוּ: נָשָׂא וְנָתַן, מַאי? רַבִּי יוֹחָנָן אָמַר: נָשָׂא וְנָתַן – אָסוּר, רֵישׁ לָקִישׁ אָמַר: נָשָׂא וְנָתַן – מוּתָּר. אֵיתִיבֵיהּ רַבִּי יוֹחָנָן לְרֵישׁ לָקִישׁ: אֵידֵיהֶן שֶׁל גּוֹיִם נָשָׂא וְנָתַן – אֲסוּרִין; מַאי לָאו לְפָנֵי אֵידֵיהֶן? לָא, אֵידֵיהֶן דְּוָקָא.

§ **A dilemma was raised before** the Sages: If one ignored the injunction of the mishna and **engaged in business**[H] with gentiles before their festival, **what** is the status of the profit that he earned? **Rabbi Yoḥanan says:** If he **engaged in business,** it is **prohibited** to derive benefit from his profits. **Reish Lakish says:** If he **engaged in business,** it is **permitted** to derive benefit from his profits. **Rabbi Yoḥanan raised an objection to Reish Lakish** from a *baraita*: With regard to **the festivals of gentiles,** if one **engaged in business,** these profits are **prohibited. What, is it not** referring to one who engages in business with gentiles **before their festivals?** Reish Lakish responded: **No,** the *baraita* is referring to business conducted **specifically** during **their festivals.**[H]

אִיכָּא דְּאָמְרִי, אִיתִיבֵיהּ רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ לְרַבִּי יוֹחָנָן: אֵידֵיהֶן שֶׁל גּוֹיִם נָשָׂא וְנָתַן – אָסוּר; אֵידֵיהֶן – אִין, לִפְנֵי אֵידֵיהֶן – לָא! תַּנָּא, אִידִי וְאִידִי ״אֵידֵיהֶן״ קְרֵי לֵיהּ.

There are those **who say** that there is a different version of the above exchange. **Rabbi Shimon ben Lakish raised an objection to Rabbi Yoḥanan** from a *baraita*: With regard to **the festivals of gentiles,** if one **engaged in business** these profits are **prohibited.** Isn't it correct to infer from the *baraita* that if the business occurred during **their festivals, yes,** deriving benefit from the profits is prohibited, but if it took place **before their festivals, no,** it is not prohibited? Rabbi Yoḥanan responded: **No; the *tanna* calls** both **this,** the days before the festival, **and that,** the festival itself: **Their festivals.**

תַּנְיָא כְּוָותֵיהּ דְּרֵישׁ לָקִישׁ: כְּשֶׁאָמְרוּ אָסוּר לָשֵׂאת וְלָתֵת עִמָּהֶם – לֹא אָסְרוּ אֶלָּא בְּדָבָר הַמִּתְקַיֵּים, אֲבָל בְּדָבָר שֶׁאֵינוֹ מִתְקַיֵּים – לֹא, וַאֲפִילּוּ בְּדָבָר הַמִּתְקַיֵּים – נָשָׂא וְנָתַן מוּתָּר. תָּנֵי רַב זְבִיד בִּדְבֵי רַבִּי אוֹשַׁעְיָא: דָּבָר שֶׁאֵין מִתְקַיֵּים מוֹכְרִין לָהֶם, אֲבָל אֵין לוֹקְחִין מֵהֶם.

The Gemara notes that it **is taught** in a *baraita* **in accordance with** the opinion **of Reish Lakish: When** the Sages **said** that it is **prohibited to engage with** the gentiles **in business, they prohibited** it **only in** the case of **an item that endures.**[HN] **But with regard to an item that does not endure,** it is **not** prohibited. **And even with regard to an item that endures,** if one **did engage in business** with gentiles, deriving benefit from the profits is **permitted. Rav Zevid taught** a *baraita* **from the school of Rabbi Oshaya:** With regard to **an item that does not endure, one may sell** it **to them, but one may not buy** it[N] **from them.**

הַהוּא מִינָאָה דְּשַׁדַּר לֵיהּ דִּינָרָא קֵיסָרְנָאָה לְרַבִּי יְהוּדָה נְשִׂיאָה בְּיוֹם אֵידוֹ, הֲוָה יָתֵיב רֵישׁ לָקִישׁ קַמֵּיהּ. אֲמַר: הֵיכִי אֶעֱבִיד? אֶשְׁקְלֵיהּ – אָזֵיל וּמוֹדֶה, לָא אֶשְׁקְלֵיהּ – הָוְיָא לֵיהּ אֵיבָה! אֲמַר לֵיהּ רֵישׁ לָקִישׁ: טוֹל וּזְרוֹק אוֹתוֹ לַבּוֹר בְּפָנָיו. אֲמַר: כָּל שֶׁכֵּן דְּהָוְיָא לֵיהּ אֵיבָה! כְּלַאחַר יָד הוּא דְּקָאָמִינָא.

The Gemara relates: There was an incident involving **a certain heretic who sent a Caesarean**[N] **dinar to Rabbi Yehuda Nesia**[P] **on the day of** the heretic's **festival.** Rabbi Yehuda Nesia **said** to **Reish Lakish,** who **was sitting before him: What shall I do?** If **I take** the dinar, **he will go and thank** his idol for the success of his endeavor, but if **I do not take** the dinar, **he will harbor enmity** toward me. **Reish Lakish said to him: Take** it **and throw it into a pit**[H] **in the presence of** the heretic. Rabbi Yehuda Nesia **said: All the more so,** this will cause **him to harbor enmity** toward me. Reish Lakish explained: **I said,** i.e., I meant, **that** you should throw it **in an unusual manner,** so that it looks as though the dinar inadvertently fell from your hand into the pit.

HALAKHA

If he engaged in business – נָשָׂא וְנָתַן: If one violated the prohibition and engaged in business with gentiles during the three days preceding their festival, it is permitted for him to derive benefit from the profits. This is in accordance with the statement of Reish Lakish, whose opinion is supported by the *baraita*. The *halakha* does not follow *Tosafot*, who rule in accordance with Rabbi Yoḥanan (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 148:2 and *Beur HaGra* there).

Specifically their festivals – אֵידֵיהֶן דַּוְקָא: Everyone agrees that if one engaged in business with a gentile on the day of his festival, the profits are prohibited, as stated in the *baraita* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 148:2).

They prohibited it only in the case of an item that endures – לֹא אָסְרוּ אֶלָּא בְּדָבָר הַמִּתְקַיֵּים: The prohibition against engaging in business with gentiles during the three days before their festival applies only to items that endure. It is permitted to sell them perishable items that will not last until their festival, e.g., vegetables and cooked dishes. This *halakha* is in accordance with the two *baraitot*, as explained by the *ge'onim* and the Rambam (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 148:1).

Take it and throw it into a pit – טוֹל וּזְרוֹק אוֹתוֹ לַבּוֹר: If one receives a gift from a gentile on the day of his festival, he may not accept it. If he is worried that the gentile will harbor enmity toward him for refusing the gift, he should accept it and throw it into a pit or some other place where it will be lost, while making it appear that this occurred accidentally. The Rambam and the *Tur* write that if he has no choice but to accept the gift, he should accept it in the gentile's presence but he should not derive benefit from it (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:2; *Shulḥan Arukh*, *Yoreh De'a* 148:5, and see *Shakh* and *Taz* there).

NOTES

Item that endures – דָּבָר הַמִּתְקַיֵּים: An item that endures will last until the festival, and the gentile will give thanks to his idol on the festival (Rashi). Others explain that an item that does not endure is not considered significant by the gentile, and therefore he would not give thanks for it, as he would in the case of an enduring item (*Talmidei Rabbeinu Yona*).

But one may not buy it – אֲבָל אֵין לוֹקְחִין: One may not purchase an item that does not endure, as the gentile is happy when he succeeds in selling something that will become ruined with the passage of time, and he will therefore give thanks to his idol for the sale (Rashi). Others explain that if one purchases an article that will not endure and in exchange gives the gentile coins that will endure, this will certainly cause him to give thanks (Ra'ah).

Caesarean – קֵיסָרְנָאָה: Rashi states that the king had minted a new coin and prohibited the use of all other coins. Others add that the heretic gave Rabbi Yehuda Nesia the dinar on the day that it was minted, which explains how an item of minor value could be considered an important gift (*Talmidei Rabbeinu Yona*).

PERSONALITIES

Rabbi Yehuda Nesia – רַבִּי יְהוּדָה נְשִׂיאָה: Rabbi Yehuda Nesia was the son of Rabban Gamliel, who was the son of Rabbi Yehuda HaNasi. He was called Nesia to differentiate him from his illustrious grandfather, the editor of the Mishna. One of the earliest *amora'im* in Eretz Yisrael, he was a colleague of Rabbi Yehuda HaNasi's great students. His own students included Rabbi Yoḥanan and Reish Lakish.

Rabbi Yehuda Nesia's court enacted various decrees. It was considered the greatest Torah center in the Jewish world, to the extent that even the renowned *amora* Rav deferred to its authority.

Rabbi Yehuda Nesia served as *Nasi* for many years and was probably the last *Nasi* to have outstanding Torah knowledge and to serve as the head of the Sanhedrin. In his honor, he, like his grandfather, is sometimes referred to simply as Rabbi, especially in the Jerusalem Talmud. He was succeeded as *Nasi*, but not as head of the Sanhedrin, by his son Rabban Gamliel. Many stories are told of Rabbi Yehuda Nesia both in the Babylonian Talmud and Jerusalem Talmud, including accounts of his meeting with the Roman Emperor Diocletian.

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NOTES

To borrow from them due to the concern that he might come to lend to them – לִשְׁאוֹל מֵהֶן לְהַשְׁאִילָן: The Gemara indicates that the decree not to borrow was enacted in order to prevent Jews from lending to gentiles, not realizing that the time the gentiles request a loan is before their festival. Some explain that if one borrows from a gentile, the gentile in turn will later come to borrow from the Jew, who will be unable to refuse his request (Rabbeinu Ḥananel). Some commentaries maintain that even Abaye concedes that the Sages would not have issued the decrees in all these cases were it not for the fact that the gentile experiences some degree of happiness from these actions (*Tosafot*).

§ The mishna teaches that it is prohibited **to lend them** items **and to borrow** items **from them** during the three days preceding their festivals. The Gemara asks: **Granted,** it is prohibited **to lend** the items **to them, as** this **causes them** to have **a profit. But** why is it prohibited **to borrow** the items **from them** during this period? Doesn't this serve to **reduce for them** the property they possess during the festival? **Abaye said:** The Sages issued **a decree** that it is prohibited **to borrow** the items **from them due to** the concern that he might come **to lend** the items **to them.**[N] **Rava said: All of it,** lending and borrowing, **is** prohibited for the same reason, **as** in either situation the gentile might **go and give thanks** to his idol, as he will be pleased that the Jew was forced to borrow the items from him.

"לְהַשְׁאִילָן וְלִשְׁאוֹל מֵהֶן" כו'. בְּשְׁלָמָא לְהַשְׁאִילָן – דְּקָא מַרְוַוח לְהוּ, אֲבָל לִשְׁאוֹל מֵהֶן – מַעוּטֵי קָא מְמַעֵט לְהוּ! אֲמַר אַבַּיֵי: גְּזֵרָה לִשְׁאוֹל מֵהֶן אַטּוּ לְהַשְׁאִילָן. רָבָא אָמַר: כּוּלָּהּ מִשּׁוּם דְּאָזֵיל וּמוֹדֶה הוּא.

The mishna further teaches that it is prohibited **to lend** money **to them or to borrow** money **from them.** The Gemara asks: **Granted,** it is prohibited **to lend** money **to them, as** this **causes them** to have **a profit. But** if one wants **to borrow** money **from them, why** is it prohibited? **Abaye said:** The Sages issued **a decree** that it is prohibited **to borrow** money **from them, due to** the concern that he might come **to lend** money **to them. Rava said: All** of it, lending and borrowing money, is prohibited for the same reason, **as** in either situation the gentile **will go and give thanks** to his object of idol worship.

"לְהַלְווֹתָם וְלִלְווֹת מֵהֶן". בְּשְׁלָמָא לְהַלְווֹתָם – מִשּׁוּם דְּקָא מַרְוַוח לְהוּ, אֶלָּא לִלְווֹת מֵהֶן – אַמַּאי? אֲמַר אַבַּיֵי: גְּזֵרָה לִלְווֹת מֵהֶן אַטּוּ לְהַלְווֹתָם. רָבָא אָמַר: כּוּלָּהּ מִשּׁוּם דְּאָזֵיל וּמוֹדֶה הוּא.

The mishna also teaches that it is prohibited **to repay debts** owed to **them and to collect payment of their debts.** Once again, the Gemara asks: **Granted,** it is prohibited **to repay debts** owed **to them, as** giving them the money at this time **causes them** to have **a profit. But** why is it prohibited **to collect payment of their debts?** Doesn't this serve to **reduce their** fortune? **Abaye said:** The Sages issued **a decree** that it is prohibited **to collect debts from them, due to** the concern that he might come **to repay their debts. Rava said: All of it,** repaying and collecting debts, is prohibited for the same reason, **as** in either situation the gentile might **go and give thanks** to his idol for having had sufficient funds to pay his debts.

"לְפוֹרְעָן וְלִפְרוֹעַ מֵהֶן" כו'. בְּשְׁלָמָא לְפוֹרְעָן – מִשּׁוּם דְּקָא מַרְוַוח לְהוּ, אֶלָּא לִפְרוֹעַ מֵהֶן – מַעוּטֵי מְמַעֵט לְהוּ! אֲמַר אַבַּיֵי: גְּזֵרָה לִפְרוֹעַ מֵהֶן אַטּוּ לְפוֹרְעָן. רָבָא אָמַר: כּוּלָּהּ מִשּׁוּם דְּאָזֵיל וּמוֹדֶה הוּא.

The Gemara notes: **And** all of the prohibitions listed in the mishna **are necessary. As, if** the mishna had **taught** only that it is prohibited **to engage with them in business,** one could have said that the reason for the prohibition is **because it causes** the gentile to have **a profit, and he will go and give thanks** to his idol. **But** with regard to **borrowing** items **from them, which** serves to **reduce for them** the property they possess during the festival, one may **well** do so.

וְצָרִיכִי, דְּאִי תְּנָא לָשֵׁאת וְלָתֵת עִמָּהֶן – מִשּׁוּם דְּקָא מַרְוַוח לְהוּ וְאָזֵיל וּמוֹדֶה, אֲבָל לִשְׁאוֹל מֵהֶן, דְּמַעוּטֵי קָא מְמַעֵט לְהוּ – שַׁפִּיר דָּמֵי;

And if the mishna had further **taught** only that it is prohibited **to borrow** items **from them,** one might have thought that this is **because the matter is significant to** the gentile, as he is pleased that the Jew is forced to borrow items from him, **and** therefore he might **go and give thanks. But** it might have been supposed that **to borrow** money **from them** is permitted, as **there is only distress for** the gentile when he lends money, as he would **say:** My **money will not return to me again,** since the borrower may never repay the loan.

וְאִי תְּנָא לִשְׁאוֹל מֵהֶן – מִשּׁוּם דַּחֲשִׁיבָא לֵיהּ מִילְּתָא וְאָזֵיל וּמוֹדֶה, אֲבָל לִלְווֹת מֵהֶן – צַעֲרָא בְּעָלְמָא אִית לֵיהּ, אֲמַר: תּוּב לָא הָדְרִי זוּזֵי;

And if the mishna had **taught** in addition only that it is prohibited **to borrow** money **from them,** one might have thought that this is **because** the gentile **says: I will** forcibly **collect payment** from the Jew **against his will,** by means of the promissory note, **and now in any event he** will **go and give thanks** that the Jew is forced to borrow money from him. **But** with regard to **collecting payment from them, as** this **money will never return to him again,** one might **say** that **he has distress** about paying back the debt, **and** he will **not go and give thanks.** Since one might have reached these conclusions, it is **necessary** for the mishna to state each ruling explicitly.

וְאִי תְּנָא לְלִלְווֹת מֵהֶן – מִשּׁוּם דְּקָאָמַר: בְּעַל כָּרְחֵיהּ מִיפַּרַעְנָא, וְהָשְׁתָּא מִיהָא אָזֵיל וּמוֹדֶה, אֲבָל לִיפְרַע מֵהֶן, דְּתוּ לָא הָדְרִי זוּזֵי – אֵימָא צַעֲרָא אִית לֵיהּ, וְלָא אָזֵיל וּמוֹדֶה, צְרִיכָא.

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״רַבִּי יְהוּדָה אוֹמֵר: נִפְרָעִין מֵהֶן״ כּוּ׳. וְלֵית לֵיהּ לְרַבִּי יְהוּדָה אַף עַל פִּי שֶׁמֵּיצַר עַכְשָׁיו שֶׁמֵּחַר הוּא לְאַחַר זְמַן?

§ The mishna teaches that **Rabbi Yehuda says: One may collect** the **repayment** of debts **from them,** because this causes the gentile distress. The Gemara asks: **And doesn't Rabbi Yehuda accept** the principle that **even though he is distressed now, he will be happy afterward?**

וְהָתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: אִשָּׁה לֹא תָּסוּד בַּמּוֹעֵד מִפְּנֵי שֶׁנִּיווּל הוּא לָהּ. וּמוֹדֶה רַבִּי יְהוּדָה בְּסִיד שֶׁיְּכוֹלָה לְקַפְּלוֹ בַּמּוֹעֵד – שֶׁטּוֹפַלְתּוֹ בַּמּוֹעֵד, אַף עַל פִּי שֶׁמְּצִירָה עַכְשָׁיו שֶׁמֵּחָר הִיא לְאַחַר זְמַן!

But isn't it taught in a *baraita*: **Rabbi Yehuda says: A woman may not apply lime**[B] to her skin **during** the intermediate days of **the Festival** in order to remove bodily hair and soften her skin, **because** this temporarily **disfigures her** until the lime is removed. **And Rabbi Yehuda concedes with regard to lime that she can peel off during** the intermediate days of **the Festival**[H] **that she may apply it on** the intermediate days of **the Festival,** as **even though she is distressed now,** as the lime renders her unattractive, **she will be happy afterward,** when the lime is removed and she becomes more attractive. It is evident from this *baraita* that Rabbi Yehuda does take into account the joy that will be experienced at a later time with regard to permitting an action now.

אָמַר רַב נַחְמָן בַּר יִצְחָק: הַנַּח לְהִלְכוֹת מוֹעֵד, דְּכוּלְּהוּ מֵיצַר עַכְשָׁיו שִׂמְחָה לְאַחַר זְמַן. רָבִינָא אָמַר: גּוֹי לְעִנְיַן פְּרָעוֹן לְעוֹלָם מֵיצַר.

Rav Naḥman bar Yitzḥak says in response: **Leave** aside **the *halakhot* of** the intermediate days of **a Festival.** These cannot be compared to other cases, **as** with regard to **all** the labors permitted on a Festival this is the reason for the leniency: Although **he is distressed** by performing them **now,** as they involve effort and trouble, **he will be happy afterward** on the Festival itself that he has performed them, when he enjoys the benefits of the labor he has performed. Due to the joy they will bring him on the Festival, these labors are permitted. **Ravina said** that there is a different answer: Rabbi Yehuda maintains that **with regard to repaying** a debt **a gentile is always distressed,** even after the fact. But in general, Rabbi Yehuda does take into account the joy that will be experienced at a later time.

מַתְנִיתִין דְּלָא כְּרַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה; דְּתַנְיָא, רַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה אוֹמֵר: מַלְוֶה בִּשְׁטָר אֵין נִפְרָעִין מֵהֶן, מַלְוֶה עַל פֶּה נִפְרָעִין מֵהֶן, מִפְּנֵי שֶׁהוּא כְּמַצִּיל מִיָּדָם.

The Gemara notes: **The mishna is not in accordance with** the opinion of **Rabbi Yehoshua ben Korḥa,** as it states that one may not collect payment from a gentile during the three days preceding their festivals, without differentiating between various cases. **As it is taught** in a *baraita*: **Rabbi Yehoshua ben Korḥa says:** In the case of **a loan with** a promissory **note, one may not collect**[H] **payment from** gentiles before their festivals, as one can demand repayment of the debt by presenting the promissory note in his possession at a later stage. By contrast, in the case of **a loan by oral** agreement, **one may collect payment from them, because he is** considered **as one who salvages money from them,** since he has no promissory note and cannot be sure that the gentile will repay the loan at another time.

יָתֵיב רַב יוֹסֵף אֲחוֹרֵיהּ דְּרַבִּי אַבָּא וְיָתֵיב רַבִּי אַבָּא קַמֵּיהּ דְּרַב הוּנָא, וְיָתֵיב וְקָאָמַר: הִלְכְתָא כְּרַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה, וְהִלְכְתָא כְּרַבִּי יְהוּדָה.

The Gemara relates: **Rav Yosef sat behind**[B] **Rabbi Abba** in the study hall, **and Rabbi Abba sat before Rav Huna,** as a student before his teacher. **And** Rav Huna **sat and said** the following statements: **The *halakha*** is **in accordance with** the opinion of **Rabbi Yehoshua ben Korḥa, and the *halakha*** is **in accordance with** the opinion of **Rabbi Yehuda.**

HALAKHA

With regard to lime that she can peel off during the intermediate days of the Festival – בְּסִיד שֶׁיְּכוֹלָה לְקַפְּלוֹ בַּמּוֹעֵד: A woman is permitted to apply cosmetics during the intermediate days of a Festival. She may also apply lime to her skin for purposes of beautification, provided that she can peel it off during the Festival. This ruling is even in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 7:20; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 546:5).

In the case of a loan with a promissory note one may not collect, etc. – מַלְוֶה בִּשְׁטָר אֵין נִפְרָעִין וכו׳: One may not collect a loan with a promissory note from a gentile during the three days preceding his festival. The same applies to a loan with collateral. It is permitted to collect a loan given by oral agreement, because the Jew is considered as one who salvages his money, as he may not be able to collect it after the festival. This *halakha* is in accordance with the opinion of Rabbi Yehoshua ben Korḥa and Rav Huna. In a time and place where the gentiles rule over the Jews, one may collect even a loan with a promissory note, as the gentile courts might not enforce the agreement later. This ruling is based on the discussion in the Jerusalem Talmud. If the loan was to be repaid with interest, then one may collect the loan even if collateral had been taken, as this too is considered like one who is salvaging his property (Rosh). Nowadays, the accepted practice is to allow the collection of loans at any time (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 148:1 and *Shakh* there, and see 148:12).

BACKGROUND

Apply lime – תָּסוּד: Since ancient times, in some cultures women have considered body hair an aesthetic blemish and took various steps to remove the hair from their faces, arms, and legs. One way to achieve this was to smear portions of the body with a lime plaster. In order for this to work, the plaster had to remain on the skin for a certain amount of time. This would cause an unpleasant feeling and could even burn the skin. The issue of whether applying a lime plaster was permitted on the intermediate days of the Festival depends on the conflicting factors of the temporarily unpleasant feeling on the one hand, and the desired cosmetic improvement on the other.

Sat behind – יָתֵיב אֲחוֹרֵי: Among the earlier generations, it was customary for Torah scholars to sit before their masters in a particular order, with the most prominent students in the first rows and the lesser students behind them.

A significant portion of the time was dedicated to discussions between the Rabbi and the more prominent students, those seated in the front row, especially when there was no *amora* in the study hall to transmit the lecture to all present. Younger students would ask older students for explanations of the Rabbi's statements or pose questions to them that they dared not pose to the Rabbi directly.

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הִלְכָתָא כְּרַבִּי יְהוֹשֻׁעַ – הָא דַּאֲמָרַן. כְּרַבִּי יְהוּדָה – דְּתַנְיָא: הַנּוֹתֵן צֶמֶר לַצַּבָּע לְצַבּוֹעַ לוֹ אָדוֹם וּצְבָעוֹ שָׁחוֹר, שָׁחוֹר וּצְבָעוֹ אָדוֹם,

The Gemara explains: As for the statement that **the *halakha*** is **in accordance with** the opinion of **Rabbi Yehoshua ben Korḥa,** this is referring to **that which we said** with regard to collecting a loan by oral agreement from gentiles during the days preceding their festivals. As for the statement that the *halakha* is **in accordance with** the opinion of **Rabbi Yehuda,** this is **as it is taught** in a mishna (*Bava Kamma* 100b): In the case of **one who gives wool to a dyer to dye** it **red for him and** instead **he dyed it black,** or one who gives wool to a dyer to dye it **black and** instead **he dyed it red,**

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Daf **7** Amud **a**

HALAKHA

He gives him the enhancement – נוֹתֵן לוֹ אֶת הַשֶּׁבַח: In a case where a dyer was given wool and asked to dye it red but he dyed it black, if the enhanced value of the dyed wool is greater than the craftsman's expenses, the owner of the wool pays the dyer for his expenses. If the expenses exceeded the enhancement, the owner pays only for the enhancement. This *halakha* is in accordance with the statement of Rabbi Yehoshua (Rambam *Sefer Mishpatim*, *Hilkhot Sekhirut* 10:4; *Shulḥan Arukh*, *Ḥoshen Mishpat* 306:3).

רַבִּי מֵאִיר אוֹמֵר: נוֹתֵן לוֹ דְּמֵי צַמְרוֹ; רַבִּי יְהוּדָה אוֹמֵר: אִם הַשֶּׁבַח יָתֵר עַל הַיְּצִיאָה – נוֹתֵן לוֹ אֶת הַיְּצִיאָה, וְאִם הַיְּצִיאָה יְתֵירָה עַל הַשֶּׁבַח – נוֹתֵן לוֹ אֶת הַשֶּׁבַח.

Rabbi Meir says: The dyer **gives** the owner of the wool **the value of his wool.** Since the dyer deviated from the owner's wishes, he is considered akin to a robber who acquires the stolen item by changing it. Therefore, like a robber he keeps the changed item and pays the owner its original value. **Rabbi Yehuda says:** The dyer does not acquire the wool; rather, the owner of the wool must reimburse the dyer for his expenses, without losing out himself. **If** the value of **the enhancement,** i.e., the enhanced value of the wool, **exceeds**[N] **the** dyer's **expenses,** the owner of the wool **gives** the dyer **the expenses. And if the expenses exceed the enhancement, he gives him** the value of **the enhancement.**[H]

אַהַדְרִינְהוּ רַב יוֹסֵף לְאַפֵּיהּ, בִּשְׁלָמָא הֵלָכָה כְּרַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה – אִיצְטְרִיךְ, סָלְקָא דַּעְתָּךְ אָמִינָא יָחִיד וְרַבִּים הֲלָכָה כְּרַבִּים, קָא מַשְׁמַע לָן הֲלָכָה כְּיָחִיד;

Rav Yosef turned his face away[N] to demonstrate his displeasure with Rav Huna's comment. The Gemara explains why Rav Yosef was unhappy: **Granted,** his ruling that the ***halakha*** is **in accordance with** the opinion of **Rabbi Yehoshua ben Korḥa was necessary,** as it might **enter your mind to say** that because this is a dispute between **an individual and** the **many,** the ***halakha*** should be **in accordance with** the opinion of the **many,** not in accordance with Rabbi Yehoshua ben Korḥa. Rav Huna therefore **teaches us** that in this case the ***halakha*** is **in accordance with** Rabbi Yehoshua ben Korḥa despite the fact that he is **an individual.**

אֶלָּא הֲלָכָה כְּרַבִּי יְהוּדָה לָמָּה לִי? פְּשִׁיטָא, דְּמַחֲלוֹקֶת וְאַחַר כָּךְ סְתָם – הִלְכָתָא כְּסְתָם,

But why do I need the statement that the ***halakha*** is **in accordance with** the opinion of **Rabbi Yehuda?** It is **obvious** that this is the case, **as** there is a well-known principle **that** whenever there is **a dispute** in a mishna **and afterward** one opinion is presented as the ruling of **an unattributed** mishna, i.e., without attribution to a particular Sage or that the ruling is subject to debate, **the *halakha*** is **in accordance with** the opinion presented in the **unattributed** mishna.

NOTES

If the value of the enhancement exceeds, etc. – אִם הַשֶּׁבַח יָתֵר וכו׳: Rashi explains that according to Rabbi Meir the craftsman is considered a robber, who acquires the stolen item by changing it in a substantial manner. Conversely, Rabbi Yehuda does not grant the craftsman possession of the item, as this would mean that he benefits from disregarding the owner's instructions. Other commentaries add that although Rabbi Yehuda agrees that in general a robber acquires ownership of stolen property when he changes it, in this case he maintains that the craftsman does not acquire ownership of the wool, as he never intended to gain possession of it (*Tosafot*).

Rav Yosef turned his face away – אַהַדְרִינְהוּ רַב יוֹסֵף לְאַפֵּיהּ: Rav Yosef turned his face away in anger at Rav Huna's statement (Rashi on tractate *Sukka* 11a; *Tosefot Ḥakhmei Angliyya*). Nevertheless, he did not openly voice his objection out of respect to Rav Huna.

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מַחֲלוֹקֶת בְּבָבָא קַמָּא וּסְתָם בְּבָבָא מְצִיעָא, דִּתְנַן: כָּל הַמְשַׁנֶּה יָדוֹ עַל הַתַּחְתּוֹנָה, וְכָל הַחוֹזֵר בּוֹ יָדוֹ עַל הַתַּחְתּוֹנָה.

The Gemara adds that here the ruling of the unattributed mishna appears after the dispute, as the **dispute** between Rabbi Yehuda and Rabbi Meir appears **in** tractate ***Bava Kamma*, and** the **unattributed mishna** appears **in *Bava Metzia*,** which is the next tractate in the order of the Mishna. **As we learned** in a mishna (*Bava Metzia* 76a): **Whoever changes** the terms accepted by both parties **is at a disadvantage,**[H] **and whoever reneges** on an agreement **is at a disadvantage.** This statement is in accordance with the opinion of Rabbi Yehuda, who holds that a craftsman who deviates from his assignment is at a disadvantage, as he receives only the expense or the enhancement, whichever is worth less.

וְרַב הוּנָא? מִשּׁוּם דְּאֵין סֵדֶר לַמִּשְׁנָה, דְּאִיכָּא לְמֵימַר: סְתָם תְּנָא בְּרֵישָׁא וְאַחַר כָּךְ מַחֲלוֹקֶת. אִי הָכִי, כָּל מַחֲלוֹקֶת וְאַחַר כָּךְ סְתָם לֵימָא: אֵין סֵדֶר לַמִּשְׁנָה!

The Gemara asks: **And** why did **Rav Huna** feel it necessary to state explicitly that the *halakha* is in accordance with the opinion of Rabbi Yehuda? It was necessary **because** Rav Huna holds that **the Mishna is not sequential,** and therefore it is not clear that the mishna in *Bava Kamma* precedes the mishna in *Bava Metzia*. Consequently, **it can be said** that in fact this is a case of **an unattributed** mishna that is **taught first, and** only **afterward** appears the **dispute** between Rabbi Yehuda and Rabbi Meir. The Gemara challenges: **If that is so,** that the Mishna is not sequential, then in **every** case of **a dispute** that is **afterward** followed by **an unattributed** mishna, **let us say** that **the Mishna is not sequential.**

וְרַב הוּנָא? כִּי לָא אָמְרִינַן אֵין סֵדֶר – בַּחֲדָא מַסֶּכְתָּא, בִּתְרֵי מַסֶּכְתֵּי אָמְרִינַן. וְרַב יוֹסֵף? כּוּלְּהוּ נְזִיקִין חֲדָא מַסֶּכְתָּא הִיא.

The Gemara explains: **And Rav Huna?** How would he respond to this claim? He would say: **When do we not say** that the Mishna is **non-sequential?** The Mishna is considered sequential when both *mishnayot* appear **in one tractate,** but when they are **in two** different **tractates, we do say** that the Mishna is not sequential, and it is unclear which one was taught last. Therefore, in this case, as each mishna is found in a different tractate, one in *Bava Kamma* and the other in *Bava Metzia*, one cannot say for certain which was taught first. **And** how would **Rav Yosef** respond? He would say: **All of** tractate ***Nezikin*,**[N] i.e., *Bava Kamma*, *Bava Metzia*, and *Bava Batra*, **is** considered **one tractate,** and therefore its internal order of *mishnayot* is sequential.

וְאִי בָּעֵית אֵימָא, מִשּׁוּם דְּקָתָנֵי לָהּ גַּבֵּי הִלְכָתָא פְּסִיקְתָא: כָּל הַמְשַׁנֶּה יָדוֹ עַל הַתַּחְתּוֹנָה, וְכָל הַחוֹזֵר בּוֹ יָדוֹ עַל הַתַּחְתּוֹנָה.

And if you wish, say instead that Rav Yosef maintained that it was not necessary to say that the *halakha* is in accordance with the opinion of Rabbi Yehuda, **because** his ruling **is taught amid** other **decided *halakhot*:**[N] **Whoever changes** the terms accepted by both parties **is at a disadvantage, and whoever reneges** on an agreement **is at a disadvantage,** i.e., this statement is unrelated to the subject matter of the chapter in which it appears. Consequently, it is evidently the accepted *halakha* and therefore Rav Huna's statement was unnecessary.

HALAKHA

Whoever changes is at a disadvantage – כָּל הַמְשַׁנֶּה יָדוֹ עַל הַתַּחְתּוֹנָה: If one sells a field to another and receives only part of the money that he is owed for the field, the buyer does not receive the entire field. If the buyer reneges on the sale, he is at a disadvantage: The seller may decide to cancel the transaction entirely and return the cash. Alternatively, he may provide the buyer with low-quality land equal in value to the amount paid. If the seller reneged, the buyer may cancel the transaction and claim a refund, either in cash or the seller's choicest land. The same applies to the sale of movable objects (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 8:1–2, 4; *Shulḥan Arukh*, *Ḥoshen Mishpat* 196:10–11, and see 333:4).

NOTES

All of tractate *Nezikin* – כּוּלְּהוּ נְזִיקִין: Tractates *Bava Kamma*, *Bava Metzia*, and *Bava Batra* are really three sections of one large tractate, tractate *Nezikin*, which was divided into three parts due to its length (Meiri). It is likewise clear from the Jerusalem Talmud that the three tractates are considered one long tractate.

Because it is taught amid other decided *halakhot* – מִשּׁוּם דְּקָתָנֵי לָהּ גַּבֵּי הִלְכָתָא פְּסִיקְתָא: The chapter in which this *halakha* appears discusses one who reneges from a business arrangement, not one who changes the terms. The mention of one who changes the terms in this context indicates that this is the *halakha* (Rashi). Others disagree with this explanation of the Gemara, pointing out that the other *halakha*, that anyone who reneges on an agreement is at a disadvantage, is not accepted by all opinions (*Tosafot*). *Tosafot* suggest a different version of the text, in which the Gemara states: Because it is taught as a decided *halakha*, i.e., the formulation of the mishna's statement: Whoever changes, indicates that it is a decided *halakha*.

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תָּנוּ רַבָּנַן: לֹא יֹאמַר אָדָם לַחֲבֵירוֹ: ״הַנִּרְאֶה שֶׁתַּעֲמוֹד עִמִּי לָעֶרֶב״; רַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה אוֹמֵר: אוֹמֵר אָדָם לַחֲבֵירוֹ, ״הַנִּרְאֶה שֶׁתַּעֲמוֹד עִמִּי לָעֶרֶב״. אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: הִלְכְתָא כְּרַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה.

§ The Gemara discusses other *halakhot* that are in accordance with the opinion of Rabbi Yehoshua ben Korḥa. **The Sages taught: A person may not say to another** on Shabbat: **Does it seem**[N] **that you will join me this evening?**[H] This is prohibited, as the speaker is hinting that he would like to hire him for labor after the conclusion of Shabbat. **Rabbi Yehoshua ben Korḥa says: A person may say to another** on Shabbat: **Does it seem that you will join me this evening?** In this case, he is not asking him explicitly. **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: The *halakha*** is **in accordance with** the opinion of **Rabbi Yehoshua ben Korḥa.**

תָּנוּ רַבָּנַן: הַנִּשְׁאָל לְחָכָם וְטִימֵּא – לֹא יִשְׁאַל לְחָכָם וְיַטְהֵר, לְחָכָם וְאָסַר – לֹא יִשְׁאַל לְחָכָם וְיַתִּיר;

The Sages taught: In the case of **one who asks** a question **of a Sage** with regard to an issue of ritual impurity **and** the Sage **rules** that the item is **impure,**[H] **he may not ask** the same question of another **Sage and** have him **rule** that it is **pure.**[N] Similarly, in the case of one who asks **a Sage** a halakhic question **and he deems** it **forbidden, he may not ask** the question of another **Sage and** have him **deem** it **permitted.**

הָיוּ שְׁנַיִם, אֶחָד מְטַמֵּא וְאֶחָד מְטַהֵר, אֶחָד אוֹסֵר וְאֶחָד מַתִּיר, אִם הָיָה אֶחָד מֵהֶם גָּדוֹל מֵחֲבֵירוֹ בְּחָכְמָה וּבְמִנְיָן – הַלֵּךְ אַחֲרָיו, וְאִם לָאו – הַלֵּךְ אַחַר הַמַּחְמִיר; רַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה אוֹמֵר: בְּשֶׁל תּוֹרָה הַלֵּךְ אַחַר הַמַּחְמִיר, בְּשֶׁל סוֹפְרִים הַלֵּךְ אַחַר הַמֵּיקֵל. אָמַר רַב יוֹסֵף: הִלְכְתָא כְּרַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה.

In a situation where **there were two** Sages sitting together and **one deems** an item **impure and** the other **one deems** it **pure,** or if **one deems** it **prohibited and** the other **one deems** it **permitted,** the questioner should proceed as follows: **If one of** the Sages **was superior to the other in wisdom and in number,**[N] one should **follow his** ruling, **and if not,** he should **follow the one who rules stringently. Rabbi Yehoshua ben Korḥa says:** If the uncertainty exists **with regard to a Torah law, follow the one who rules stringently;**[H] if it exists **with regard to a rabbinic** law, **follow the one who rules leniently. Rav Yosef said: The *halakha*** is **in accordance with** the opinion of **Rabbi Yehoshua ben Korḥa.**

תָּנוּ רַבָּנַן: וְכוּלָּן שֶׁחָזְרוּ בָּהֶן – אֵין מְקַבְּלִין אוֹתָן עוֹלָמִית, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי יְהוּדָה אוֹמֵר: חָזְרוּ בָּהֶן בְּמַטְמוֹנִיּוֹת – אֵין מְקַבְּלִין אוֹתָן, בְּפַרְהֶסְיָא – מְקַבְּלִין אוֹתָן. אִיכָּא דְּאָמְרִי: עָשׂוּ דִּבְרֵיהֶם בְּמַטְמוֹנִיּוֹת – מְקַבְּלִין אוֹתָן,

The Sages taught: And with regard to **all of** the people who are not deemed credible due to sins that they performed, even **when they retract**[N] and repent from their evil ways, society **never accepts them;** this is **the statement of Rabbi Meir. Rabbi Yehuda says:** If **they retract**[N] their ways **in private,** society **does not accept them,** but if they repent **in public** [***befarheseya***],[L] society **accepts them. There are** those **who say** that there is another version of this discussion: If **they performed their** sinful **matters**[N] **in private,** then when they repent society **accepts them.**

HALAKHA

Does it seem that you will join me this evening – הַנִּרְאֶה שֶׁתַּעֲמוֹד עִמִּי לָעֶרֶב: One may say to a worker on Shabbat: Does it seem that you will join me this evening? This is the *halakha* even if it is clear to both of them that the speaker wants to hire the listener to work for him after Shabbat. One may not say explicitly that he wishes to hire him. Furthermore, one may not even say: Be ready for me this evening, as this is considered to be tending to one's business affairs on Shabbat. This ruling is in accordance with the opinion of Rabbi Yehoshua ben Korḥa (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 24:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 307:7).

One who asks a question of a Sage and the Sage rules that the item is impure, etc. – הַנִּשְׁאָל לְחָכָם וְטִימֵּא וכו': If one Sage deemed an item or matter forbidden, another Sage may not pronounce it permitted based on his own reasoning alone. But if he had a tradition that contradicts the ruling of the first Sage, or if that first Sage erred with regard to a matter that appears explicitly in the Mishna, the second Sage may permit it. Moreover, the second Sage may disagree with the reasoning of the first Sage and attempt to convince him to change his ruling. Consequently, there is no prohibition against asking a second opinion, provided that one informs the second Sage of the ruling of the first Sage. Even if the first Sage ruled leniently that the item or action is permitted, the second should not prohibit it merely based on his own deliberation. All this applies to decisions with regard to the same case, but if the second Sage was asked about a different incident concerning the same *halakha*, he may rule as he sees fit (*Shulḥan Arukh*, *Yoreh De'a* 242:31, and see *Shakh* there).

With regard to a Torah law, follow the one who rules stringently – בְּשֶׁל תּוֹרָה הַלֵּךְ אַחַר הַמַּחְמִיר: While the Sanhedrin existed, it would resolve every halakhic uncertainty. In periods without a Sanhedrin, if two Sages disagree over a halakhic matter and it is unknown which ruling should be accepted, one follows the stringent ruling in cases of Torah law, and the lenient ruling with regard to rabbinic law. This is in accordance with the statement of Rabbi Yehoshua ben Korḥa. The Rambam indicates that this principle applies even when one of the Sages is superior to the other (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 1:5, and see *Kesef Mishne* there).

LANGUAGE

Public [*farheseya*] – פַּרְהֶסְיָא: From the Greek παρρησία, *parrēsia*, originally meaning free speech or a free militia. The Sages use it in reference to any action performed openly in public.

NOTES

Does it seem – הַנִּרְאֶה: Some explain this as a statement: It seems that you will join me this evening (Rashi). Others maintain that it is a question: Does it seem that you will join me this evening (*Tosafot*)?

He may not ask the question of another Sage and have him rule that it is pure – לֹא יִשְׁאַל לְחָכָם וְיַטְהֵר: Some claim that since the prohibition is designed to protect the honor of the first Sage, if the second Sage convinces the first to change his mind, the item that was forbidden now becomes permitted (Ran). Others disagree, arguing that once the Sage has ruled that the item is forbidden, it becomes a prohibited entity and nothing can be done to change that (Ra'avad).

In number – בְּמִנְיָן: Some explain that this is referring to the number of the Sage's students, i.e., the *halakha* is in accordance with the Sage who has the most disciples who accept his rulings (Ra'ah; *Or Zarua*; Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 2:2). Alternatively, this means the Sage who spread the most Torah throughout the Jewish people (Rabbeinu Yehonatan of Lunel). Others maintain that this number is referring to the age of the scholar, as it is assumed that the elder Sage learned for more years from other Sages (Ra'avad; Ritva). Some commentaries say that if one Sage was superior in wisdom, and the other superior in number, the *halakha* follows the one who is superior in number (*Or Zarua*).

With regard to all of the people who are not deemed credible due to sins that they perform, when they retract – כּוּלָּן שֶׁחָזְרוּ בָּהֶן: According to Rashi, the *baraita* is referring to those who cannot receive the status of a *ḥaver*, one who is meticulous in his observance of mitzvot, especially the *halakhot* of separating tithes and *teruma* and eating food in a state of ritual purity. Rabbi Meir is stating that even if a robber or an *am ha'aretz* repent for their sins, they cannot be considered a *ḥaver*. Other commentaries probably had a different version of the text, which states: All of the sinners who repent (Rabbeinu Ḥananel; Rif; Rambam).

If they retract – חָזְרוּ בָּהֶן: If they retract their ways only secretly, they evidently did not repent fully, whereas if they change their ways openly, they thereby demonstrate sincere repentance (Ritva). Others explain that they retracted their former status of *ḥaverim* (*Tosafot*). If so, Rabbi Yehuda's statement should be understood as follows: If they retracted privately but in public continued to act as a *ḥaver*, society does not later accept them, as they are charlatans. If they never tricked anyone and retracted in public, then society does accept them back.

If they performed their sinful matters – עָשׂוּ דִּבְרֵיהֶם: If they sinned only in private, an indication that they are embarrassed by their actions, they are accepted after repenting, as it is assumed that they truly regret their sins. If they sinned publicly then they have desecrated God's name, and they are unworthy of acceptance. Alternatively, they are unable to repent fully (Rashi). Those who understand the *baraita* according to the explanation of *Tosafot*, that it is referring to a retraction from the status of a *ḥaver*, explain that if they acted as a *ḥaver* in private they are accepted, as it is clear that their deeds were for the sake of Heaven. If they behaved as a *ḥaver* only in public, they are suspected of doing so only for the sake of appearances (see Meiri).

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בְּפַרְהֶסְיָא – אֵין מְקַבְּלִין אוֹתָן. רַבִּי שִׁמְעוֹן וְרַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה אוֹמְרִים: בֵּין כָּךְ וּבֵין כָּךְ מְקַבְּלִין, שֶׁנֶּאֱמַר: ״שׁוּבוּ בָנִים שׁוֹבָבִים״. אָמַר רַבִּי יִצְחָק אִישׁ כְּפַר עַכּוֹ אָמַר רַבִּי יוֹחָנָן: הִלְכְתָא כְּאוֹתוֹ הַזּוֹג.

But if they performed their sins **in public,** society **does not accept them. Rabbi Shimon and Rabbi Yehoshua ben Korḥa say: Both** in **this** case, where they sinned in private, **and** in **that** case, where they sinned in public, society **accepts** them,[H] **as it is stated: "Return, you backsliding children,**[N] I will heal your backslidings" (Jeremiah 3:22). **Rabbi Yitzḥak of the village of Akko says** that **Rabbi Yoḥanan says: The *halakha*** is **in accordance with** the opinion of **that pair,** Rabbi Shimon and Rabbi Yehoshua ben Korḥa, i.e., penitents are accepted, regardless of whether they sinned in public or in private.

מתני׳ רַבִּי יִשְׁמָעֵאל אוֹמֵר: שְׁלֹשָׁה לִפְנֵיהֶם וּשְׁלֹשָׁה לְאַחֲרֵיהֶם – אָסוּר; וַחֲכָמִים אוֹמְרִים: לִפְנֵי אֵידֵיהֶן – אָסוּר, לְאַחַר אֵידֵיהֶן – מוּתָּר.

MISHNA **Rabbi Yishmael says:** On **the three** days **before** the festivals of gentiles **and** on **the three** days **after them,** it is **prohibited** to engage in business with those gentiles. **And the Rabbis say:** It is **prohibited** to engage in business with them **before their festivals,** but it is **permitted** to engage in business with them **after their festivals.**

גמ׳ אָמַר רַב תַּחְלִיפָא בַּר אַבְדִּימִי אָמַר שְׁמוּאֵל: נוֹצְרִי, לְדִבְרֵי רַבִּי יִשְׁמָעֵאל לְעוֹלָם אָסוּר.

GEMARA **Rav Taḥlifa bar Avdimi says** that **Shmuel says:** With regard to **a Christian, according to the statement of Rabbi Yishmael it is always prohibited** for a Jew to engage in business with him. Since his festival takes place every Sunday and the three days before and after Sunday constitute the entire week, one cannot engage in business with a Christian on any day of the week.

״וַחֲכָמִים אוֹמְרִים: לִפְנֵי אֵידֵיהֶן אָסוּר, לְאַחַר אֵידֵיהֶן מוּתָּר״ כּוּ׳. חֲכָמִים הַיְינוּ תַּנָּא קַמָּא! הֵן בְּלֹא אֵידֵיהֶן אִיכָּא בֵּינַיְיהוּ; תַּנָּא קַמָּא סָבַר: הֵן בְּלֹא אֵידֵיהֶן, וְרַבָּנַן בַּתְרָאֵי סָבְרִי: הֵן וְאֵידֵיהֶן.

The mishna teaches: **And the Rabbis say:** It is **prohibited** to engage in business with them **before their festivals,** but it is **permitted** to engage in business with them **after their festivals.** The Gemara raises a difficulty: The statement of **the Rabbis is** identical to the statement of **the first *tanna*** in the mishna on 2a, who said that it is prohibited to engage in business with gentiles during the three days before their festival. The Gemara answers: The difference **between them** is with regard to the question of whether the three days includes only **them,** i.e., the three days, **without their festival,** or if the festival is counted as one of the three days. **The first *tanna* holds** that the three days is referring to **them,** the days preceding the festival, **without their festivals, and the later Rabbis** cited in this mishna **hold** that the three days include **them and their festivals.**

אִיבָּעֵית אֵימָא: נָשָׂא וְנָתַן אִיכָּא בֵּינַיְיהוּ; תַּנָּא קַמָּא סָבַר: נָשָׂא וְנָתַן – מוּתָּר, וְרַבָּנַן בַּתְרָאֵי סָבְרִי: נָשָׂא וְנָתַן – אָסוּר.

If you wish, say that the difference **between** the Rabbis and the first *tanna* is with regard to one who ignored this injunction and **engaged in business** with gentiles before their festival. **The first *tanna* holds** that if one **engaged in business,** it is **permitted** to derive benefit from the profits, **and the later Rabbis hold** that if one **engaged in business,** it is **prohibited**[N] to derive benefit from the profits.

וְאִיבָּעֵית אֵימָא: דִּשְׁמוּאֵל אִיכָּא בֵּינַיְיהוּ; דְּאָמַר שְׁמוּאֵל: בַּגּוֹלָה אֵין אָסוּר אֶלָּא יוֹם אֵידָם, תַּנָּא קַמָּא אִית לֵיהּ דִּשְׁמוּאֵל, רַבָּנַן בַּתְרָאֵי לֵית לְהוּ דִּשְׁמוּאֵל.

And if you wish, say that the difference **between** the Rabbis and the first *tanna* is with regard to the statement **of Shmuel. As Shmuel says: In the Diaspora**[N] it is **prohibited** to engage in business with gentiles **only** on **their festival day** itself.[H] **The first *tanna* is of** the opinion that the *halakha* is in accordance with the opinion **of Shmuel, and the later Rabbis are not of** the opinion that the *halakha* is in accordance with the opinion **of Shmuel.**[N]

NOTES

Return, you backsliding [*shovavim*] children – שׁוּבוּ בָנִים שׁוֹבָבִים: Rashi proves from different verses that the term *shovavim* refers to those who perform evil actions purposefully and openly. Others explain that *shovavim* refers to those who perform a sin many times, to the extent where it becomes like a sickness that cannot be healed. Nevertheless, God accepts their repentance and heals them, as it is written in the same verse: "I will heal your backslidings" (*Talmidei Rabbeinu Yona*). In a similar fashion, the Jewish people must follow God's example and accept those who repent (Ritva).

If one engaged in business, it is prohibited – נָשָׂא וְנָתַן אָסוּר: In the first mishna it is stated that one may not engage in business, but it did not clarify the status of profits earned by one who violated this prohibition.

In the Diaspora – בַּגּוֹלָה: The gentiles in the Diaspora are less devout and less committed to their idol worship than those of Eretz Yisrael. Moreover, Jewish people have reason to fear the gentiles in the Diaspora (Rashi). Another reason for leniency is that the Jews in the Diaspora are dependent on their ability to conduct business with gentiles (Rashi on 11b).

The later Rabbis are not of the opinion that the *halakha* is in accordance with the opinion of Shmuel – רַבָּנַן בַּתְרָאֵי לֵית לְהוּ דִּשְׁמוּאֵל: The attribution of the more stringent ruling to the later Rabbis is not due to their statement itself, but because there is a principle that when a later opinion in a mishna is unclear, it should be understood as being more stringent than the earlier opinions.

HALAKHA

Both in this case and in that case society accepts them – בֵּין כָּךְ וּבֵין כָּךְ מְקַבְּלִין: All sinners and apostates are accepted after they repent. Even if they repented only in private and publicly continue to act in a wayward manner, they are accepted, as it is written: "Return, you backsliding children" (Jeremiah 3:22). This ruling is in accordance with the opinion of Rabbi Shimon and Rabbi Yehoshua ben Korḥa (Rambam *Sefer HaMadda*, *Hilkhot Teshuva* 3:14, and see *Leḥem Mishne* there).

In the Diaspora it is prohibited only on their festival day itself – בַּגּוֹלָה אֵין אָסוּר אֶלָּא יוֹם אֵידָם: The rabbinic prohibition against engaging in business with gentiles during the three days preceding their festival applies only in Eretz Yisrael. In all other countries, the prohibition applies only on the day of the festival itself. This ruling is in accordance with the opinion of Shmuel (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 148:4).

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אִיבָּעֵית אֵימָא: דְּנַחוּם הַמָּדִי אִיכָּא בֵּינַיְיהוּ; דְּתַנְיָא, נַחוּם הַמָּדִי אוֹמֵר: אֵינוֹ אָסוּר אֶלָּא יוֹם אֶחָד לִפְנֵי אֵידֵיהֶן, תַּנָּא קַמָּא לֵית לֵיהּ דְּנַחוּם הַמָּדִי, וְרַבָּנַן בַּתְרָאֵי אִית לְהוּ דְּנַחוּם הַמָּדִי.

If you wish, say that the difference **between** the Rabbis and the first *tanna* is with regard to a statement **of Naḥum the Mede.**[P] **As it is taught** in a *baraita* that **Naḥum the Mede says:** It is **prohibited** to engage in business with gentiles **only** on **the day before their festival. The first *tanna* is not of** the opinion that the *halakha* is in accordance with the opinion **of Naḥum the Mede,** and **the later Rabbis are of** the opinion that the *halakha* is in accordance with the opinion **of Naḥum the Mede,** as they do not mention how many days before the festival are included in the prohibition.

גּוּפָא, נַחוּם הַמָּדִי אוֹמֵר: אֵינוֹ אָסוּר אֶלָּא יוֹם אֶחָד לִפְנֵי אֵידֵיהֶן; אָמְרוּ לוֹ: נִשְׁתַּתֵּק הַדָּבָר וְלֹא נֶאֱמַר. וְהָאֵיכָּא רַבָּנַן בַּתְרָאֵי דְּקָיְימִי כְּוָותֵיהּ! מַאן חַכְמִים? נַחוּם הַמָּדִי הוּא.

Having mentioned Naḥum the Mede's opinion, the Gemara discusses **the** matter **itself. Naḥum the Mede says:** It is **prohibited only** on **the day before their festival.** The other Sages **said to him:** It would be best if this **matter were lost and not stated,**[N] as it is not the *halakha*. The Gemara asks: **But aren't there the later Rabbis, who hold in accordance with his** opinion? The Gemara answers: **Who are** these **Rabbis?** This **is** referring to **Naḥum the Mede** himself, but the other Sages disagree.

תַּנְיָא אִידָךְ, נַחוּם הַמָּדִי אוֹמֵר: מוֹכְרִין לָהֶן סוּס זָכָר וְזָקֵן בַּמִּלְחָמָה. אָמְרוּ לוֹ: נִשְׁתַּתֵּק הַדָּבָר וְלֹא נֶאֱמַר.

§ The Gemara cites additional statements of Naḥum the Mede. It **is taught** in **another** *baraita* that **Naḥum the Mede says:** Although it is prohibited to sell large livestock to gentiles, **one may sell a male and elderly horse**[N] **to them during a war,** as it cannot be used for battle. The Sages **said to him:** It would be best if this **matter were lost and not stated,** as it is not the *halakha*.

וְהָאֵיכָּא בֶּן בְּתֵירָא דְּקָאֵי כְּוָותֵיהּ, דְּתָנֵן: בֶּן בְּתֵירָא מַתִּיר בְּסוּס! בֶּן בְּתֵירָא לָא מַפְלִיג בֵּין זְכָרִים לִנְקֵבוֹת, אֵיהוּ מְדָקָא מַפְלִיג בֵּין זְכָרִים לִנְקֵבוֹת – כְּרַבָּנַן סְבִירָא לֵיהּ, וּלְרַבָּנַן נִשְׁתַּתֵּק הַדָּבָר וְלֹא נֶאֱמַר.

The Gemara asks: **But isn't there ben Beteira, who holds in accordance with his** opinion? **As we learned** in a mishna (14b): **Ben Beteira permits** selling **a horse** to gentiles.[H] The Gemara answers: **Since ben Beteira does not differentiate between male and female** horses, and Naḥum the Mede **does differentiate between male and female** horses, it is clear that Naḥum the Mede **holds in accordance with** the opinion of **the Rabbis,** that one is generally not permitted to sell a horse to a gentile, only he permits it in this specific circumstance. **And according to** the opinion of **the Rabbis,** it would be best if this **matter were lost and not stated.**

NOTES

It would be best if this matter were lost and not stated – נִשְׁתַּתֵּק הַדָּבָר וְלֹא נֶאֱמַר: In other words, it should be lost and forgotten, as it is not said by any other Sage (Rabbeinu Ḥananel; Rashi). Alternatively, Rashi also suggests it means that it would be best if it were forgotten and not issued publicly.

Male and elderly horse – סוּס זָכָר וְזָקֵן: According to most of the commentaries, the correct version of the text is: An elderly male horse, which means that Naḥum the Mede permits the sale only of a horse that is both male and elderly. In general, the Sages prohibited the sale of large livestock to gentiles, due to the concern that Jews might lend animals to gentiles, creating a situation where a Jew's animal performs labor for the gentile on Shabbat. This prohibition should include the sale of horses. Naḥum the Mede maintains that the Sages did not extend the prohibition to the rare case where one sells an elderly horse during a war, as an old horse would not help in battle, and therefore this sale will not lead people to sell other animals to gentiles (Rashi). Others explain that an elderly horse was never included in the prohibition as it is not fit to perform labor, and the *tanna* is referring to a male because female horses are not used in warfare (Ra'avad).

By contrast, some commentaries maintain Naḥum the Mede permits the sale of either a male or an elderly horse (*Tosafot*). Although this interpretation does not fit the version of the text before most commentaries, it suits the version found here, which can be read as: A male or elderly horse.

HALAKHA

Ben Beteira permits selling a horse to gentiles – בֶּן בְּתֵירָא מַתִּיר בְּסוּס: It is prohibited to sell large livestock to gentiles, due to the concern that perhaps one will come to lend or lease animals to gentiles, creating a situation where an animal performs labor for a gentile on Shabbat in violation of the command to allow animals belonging to Jews to rest on Shabbat. It is permitted to sell horses to gentiles, as they are used only for riding, which is not considered a prohibited labor by Torah law. This *halakha* is in accordance with the statement of ben Beteira. Nowadays, the accepted custom is to allow all such sales; see discussion on 16a (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:4; *Shulḥan Arukh*, *Yoreh De'a* 151:4).

PERSONALITIES

Naḥum the Mede – נַחוּם הַמָּדִי: Naḥum the Mede was a *tanna* who lived at the end of the Second Temple period. He was not referred to by the title Rabbi, in accordance with the manner of the early generations who did not affix a title to the names of the Sages. Nevertheless, he was considered one of the great Sages of his generation. He was among the three or four judges in Jerusalem who issued decrees with regard to monetary judgments and other public matters, the so-called *Dayanei Gezeirot*.

Naḥum the Mede lived after the destruction of the Second Temple, but apparently not for a long time, as his name is not listed among the Sages of Yavne. Little is known about the events of his life or of his family.

Based on his nickname and the Gemara's discussion here, Naḥum the Mede apparently came from the region of Media in northwestern Iran. The Medes were a major geopolitical force in the ancient Near East during the period of the Babylonian Exile, and Media boasted a large Jewish population well into the talmudic period, though it was never considered an important center of Torah.

Rock relief of a Median man

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תַּנְיָא, נַחוּם הַמָּדִי אוֹמֵר: הַשֶּׁבֶת מִתְעַשֶּׂרֶת זֶרַע וְיָרָק וְזִירִין; אָמְרוּ לוֹ: נִשְׁתַּכַּח הַדָּבָר וְלֹא נֶאֱמַר. וְהָאִיכָּא רַבִּי אֱלִיעֶזֶר דְּקָאֵי כְּוָותֵיהּ, דְּתָנַן, רַבִּי אֱלִיעֶזֶר אוֹמֵר: הַשֶּׁבֶת מִתְעַשֶּׂרֶת זֶרַע וְיָרָק וְזִירִין! הָתָם בִּדְגִנּוּנֵיהָ.

The Gemara cites a similar dispute. It **is taught** in a *baraita* that **Naḥum the Mede says: The dill**[B] plant **is subject to tithes,**[H] whether it is used as **a seed, or a vegetable,**[N] **or a pod.** The Sages **said to him:** It would be best if this **matter were lost and not stated,** as it is not the *halakha*. The Gemara asks: **But isn't there Rabbi Eliezer, who holds in accordance with his** opinion? **As we learned** in a mishna (*Ma'asrot* 4:5) that **Rabbi Eliezer says: The dill** plant **is subject to tithes** whether it is used as **a seed, or a vegetable, or a pod.** The Gemara answers: **There,** Rabbi Eliezer is referring **to the garden** variety of dill, which is of such a high quality that its seeds, vegetable, and pods are eaten. By contrast, in the case of wild dill, only its seeds and vegetable are eaten, not the pods.

אָמַר לֵיהּ רַב אַחָא בַּר מְנִיוּמִי לְאַבַּיֵי: גַּבְרָא רַבָּה אֲתָא מֵאַתְרִין, כָּל מִילְּתָא דַּאֲמַר, אָמְרִי לֵיהּ: נִשְׁתַּכַּח הַדָּבָר וְלֹא נֶאֱמַר! אֲמַר: אִיכָּא חֲדָא דְּעָבְדִינַן כְּוָותֵיהּ; דְּתַנְיָא, נַחוּם הַמָּדִי אוֹמֵר: שׁוֹאֵל אָדָם צָרְכָיו בְּ"שׁוֹמֵעַ תְּפִלָּה".

Apropos the discussion between Naḥum the Mede and the other Sages, **Rav Aḥa bar Minyumi said to Abaye: A great man came from our place,** i.e., from Media, and in response to **every matter that he said,** the Sages **said to him** that it would be best if this **matter were lost and not stated.** Do they wish to erase all the *halakhot* taught by the Sages of Media? Abaye **said: There is one** instance in **which we act in accordance with his** opinion, **as it is taught** in a *baraita* that **Naḥum the Mede says:** During the *Amida* prayer **a person may request his** personal **needs** that are not included in the standard formulation of the *Amida* prayer, **in** the blessing that ends: **Who listens to prayer.**[H]

אֲמַר: בַּר מִינָּהּ דְּהַהִיא, דְּתַלְיָא בְּאַשְׁלֵי רַבְרֵבֵי;

Rav Aḥa bar Minyumi **said** to Abaye: **Apart from this** *halakha*, i.e., this does not serve as proof that a statement of Naḥum the Mede was ever accepted by the other Sages, **as** this *halakha* **is dependent on** the dispute between **great trees,**[N] i.e., great authorities, who expressed their opinions with regard to the *halakha* before Naḥum the Mede.

דְּתַנְיָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר: שׁוֹאֵל אָדָם צָרְכָיו וְאַחַר כָּךְ יִתְפַּלֵּל, שֶׁנֶּאֱמַר: "תְּפִלָּה לְעָנִי כִּי יַעֲטֹף וְלִפְנֵי ה' יִשְׁפֹּךְ שִׂיחוֹ" וגו', אֵין שִׂיחָה אֶלָּא תְּפִלָּה, שֶׁנֶּאֱמַר: "וַיֵּצֵא יִצְחָק לָשׂוּחַ בַּשָּׂדֶה";

Rav Aḥa bar Minyumi elaborates: **As it is taught** in a *baraita* that **Rabbi Eliezer says: A person should request his own needs** first **and afterward recite** the *Amida* **prayer, as it is stated: "A prayer of the afflicted, when he is faint and pours out *siḥo* before the Lord.** O Lord, hear my prayer" (Psalms 102:1–2). These verses indicate that one first requests help concerning his afflictions and pains, and only afterward pours forth his *siḥa*. And ***siḥa*** means **nothing other than prayer, as it is stated: "And Isaac went out to meditate** [***lasuaḥ***] **in the field"** (Genesis 24:63).

רַבִּי יְהוֹשֻׁעַ אוֹמֵר: יִתְפַּלֵּל וְאַחַר כָּךְ יִשְׁאַל צָרְכָיו, שֶׁנֶּאֱמַר: "אֶשְׁפֹּךְ לְפָנָיו שִׂיחִי צָרָתִי לְפָנָיו אַגִּיד".

Rabbi Yehoshua says: One **should pray** first **and afterward request his own needs, as it is stated: "I pour out *siḥi* before Him, I declare before Him my trouble"** (Psalms 142:3), which teaches that first one pours forth his *siḥa*, and only afterward speaks of his own troubles.

וְרַבִּי אֱלִיעֶזֶר נַמִּי, הָכְתִיב: "אֶשְׁפֹּךְ לְפָנָיו שִׂיחִי"! הָכִי קָאָמַר: אֶשְׁפּוֹךְ לְפָנָיו שִׂיחִי בִּזְמַן שֶׁצָּרָתִי לְפָנָיו אַגִּיד. וְרַבִּי יְהוֹשֻׁעַ נַמִּי, הָכְתִיב: "תְּפִלָּה לְעָנִי כִּי יַעֲטֹף"! הָכִי קָאָמַר: אֵימָתַי תְּפִלָּה לְעָנִי? בִּזְמַן שֶׁלִּפְנֵי ה' יִשְׁפּוֹךְ שִׂיחוֹ.

The Gemara asks: **And** according to **Rabbi Eliezer as well, isn't it written: "I pour out *siḥi* before Him,** I declare before Him my trouble"? The Gemara answers: According to Rabbi Eliezer, **this** is what the verse **is saying: I pour out my *siḥa* before Him when I** have already **declared before Him my trouble.** The Gemara asks with regard to Rabbi Yehoshua's opinion: **And** according to **Rabbi Yehoshua as well, isn't it written: "A prayer of the afflicted, when he is faint** and pours out *siḥo* before the Lord"? The Gemara answers: According to Rabbi Yehoshua, **this** is what the verse **is saying: When is there a prayer of the afflicted? When** he has already **poured out *siḥo* before the Lord,** and now requests his own needs.

BACKGROUND

Dill – שֶׁבֶת: Dill, *Anethum graveolens*, is an annual or biennial herb from the Apiaceae family. Reaching a height of 50 to 80 cm, and bearing small, yellow flowers, the dill plant and its threadlike leaves have a unique scent. The leaves are used as a spice and often for pickling zucchini, or cooked in soup. The oil that is extracted from the seeds was used for medicinal purposes in the past. In the mishnaic period, dill was common in herb gardens. Today, it is both cultivated in gardens and grows wild.

Dill

HALAKHA

The dill plant is subject to tithes – הַשֶּׁבֶת מִתְעַשֶּׂרֶת: If dill is planted with the intention of utilizing its seeds, one does not need to separate tithes and *terumot* from its vegetables. If it was planted with the intention of utilizing its vegetables, its vegetables and seeds are subject to tithes, but not its pods. If it is planted with the intention of utilizing its pods, its seeds, vegetables, and pods are all subject to tithes. This ruling is in accordance with the opinion of the Rabbis, not the opinions of either Naḥum the Mede or Rabbi Eliezer (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 2:5).

Who listens to prayer – שׁוֹמֵעַ תְּפִלָּה: One may add any personal requests and prayers during the blessing in the *Amida* which ends: Who listens to prayer, as this prayer includes all requests. This ruling is in accordance with the opinion of the Rabbis on 8a and the statement of Naḥum the Mede (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 119:1).

NOTES

The dill plant is subject to tithes, whether it is used as a seed or a vegetable, etc. – הַשֶּׁבֶת מִתְעַשֶּׂרֶת זֶרַע וְיָרָק וכו': Naḥum the Mede holds that as dill is eaten in all of these forms, whenever one brings it into his house for any reason one must separate tithes, as it is considered a finished product. The Rabbis maintain that the dill plant is generally used for its seeds, and its vegetable or pods are subject to tithes only if it was planted for the specific purpose of producing vegetables or pods. Incidentally, if it was planted for its pods, its vegetables are also subject to tithes (Rambam; Jerusalem Talmud 4:9). According to Rashi, even if the dill was planted for its pods it is not subject to tithes (see Meiri).

Between great trees [*be'ashlei ravrevei*] – בְּאַשְׁלֵי רַבְרֵבֵי: Rashi provides two explanations of this phrase. According to one interpretation, *ashlei* refers to ropes. Alternatively, *ashlei* means trees.

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מִכְּדֵי קְרָאֵי לָא כְּמָר דַּיְיקִי וְלָא כְּמָר דַּיְיקִי, בְּמַאי קָמִיפַלְגִי?

The Gemara notes: **Now** it is clear that **the verses** themselves **do not fit precisely in accordance with** the opinion of **this Sage and do not fit precisely in accordance with** the opinion of **that Sage,** as one verse indicates that prayer is recited before stating personal requests, while the other suggests that first one states personal requests and then prays. Evidently, the dispute between Rabbi Eliezer and Rabbi Yehoshua is not based on the verses, but depends on some other issue. Therefore, the Gemara asks: **With regard to what** principle **do they disagree?**

כִּדְדָרֵישׁ רַבִּי שִׁמְלַאי, [דְּדָרֵישׁ רַבִּי שִׁמְלַאי]: לְעוֹלָם יְסַדֵּר אָדָם שִׁבְחוֹ שֶׁל מָקוֹם וְאַחַר כָּךְ יִתְפַּלֵּל, מְנָלַן? מִמֹּשֶׁה רַבֵּינוּ, דִּכְתִיב: ״ה׳ אֱלֹהִים אַתָּה הַחִלּוֹתָ לְהַרְאוֹת אֶת עַבְדְּךָ״ וגו׳, וּכְתִיב בַּתְרֵיהּ: ״אֶעְבְּרָה נָּא וְאֶרְאֶה אֶת הָאָרֶץ הַטּוֹבָה״.

They disagree **with regard to that which Rabbi Simlai taught. As Rabbi Simlai taught: A person should always set forth praise of God and** only **then pray** for his own needs. **From where do we** derive this? We derive it **from Moses our teacher, as it is written: "O Lord God, You have begun to show Your servant** Your greatness, and Your strong hand; for what god is there in heaven or on earth, that can do according to Your works, and according to Your mighty acts?" (Deuteronomy 3:24). Here Moses praises God, **and it is written afterward,** in the following verse, that then Moses requested from God: **"Let me go over, I pray You, and see the good land"** (Deuteronomy 3:25).

Perek **I**
Daf **8** Amud **a**

NOTES

As his might is great – דְּרַב גְּבוּרְיֵיהּ: Since Moses was a great man, it was fitting for him to praise God, as he knew that God would fulfill his request if he began with words of praise. Conversely, it is arrogant for an ordinary person to suppose that his request will be granted if he first praises God (Rashi; *Torat Ḥayyim*).

רַבִּי יְהוֹשֻׁעַ סָבַר: יָלְפִינַן מִמֹּשֶׁה, וְרַבִּי אֱלִיעֶזֶר סָבַר: לָא יָלְפִינַן מִמֹּשֶׁה, שָׁאנֵי מֹשֶׁה דְּרַב גְּבוּרְיֵיהּ. וַחֲכָמִים אוֹמְרִים: לֹא כִּדְבְרֵי זֶה וְלֹא כִּדְבְרֵי זֶה, אֶלָּא שׁוֹאֵל אָדָם צְרָכָיו בְּ״שׁוֹמֵעַ תְּפִלָּה״.

Rabbi Yehoshua holds that **we derive from** the case of **Moses** that one should first praise God in prayer and only afterward issue personal requests. **And Rabbi Eliezer holds** that **we do not derive from Moses** how to act, since **Moses is different, as his might is great,**[N] i.e., he knew how to pray to God in this order. **And the Rabbis say:** The *halakha* **is not in accordance with the statement of this** Sage, who says that one should issue personal requests before praying, **nor** is it **in accordance with the statement of that** Sage, who says that personal requests should follow prayer. **Rather, a person requests his own needs in** the blessing ending: **Who listens to prayer.** Therefore, when Naḥum the Mede stated that this is the *halakha*, he was merely concurring with the opinion of the Rabbis.

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל, הֲלָכָה: שׁוֹאֵל אָדָם צְרָכָיו בְּ״שׁוֹמֵעַ תְּפִלָּה״. אָמַר רַב יְהוּדָה בְּרֵיהּ דְּרַב שְׁמוּאֵל בַּר שֵׁילַת מִשְּׁמֵיהּ דְּרַב, אַף עַל פִּי שֶׁאָמְרוּ: שׁוֹאֵל אָדָם צְרָכָיו בְּ״שׁוֹמֵעַ תְּפִלָּה״, אֲבָל אִם בָּא לוֹמַר בְּסוֹף כָּל בְּרָכָה וּבְרָכָה מֵעֵין כָּל בְּרָכָה וּבְרָכָה – אוֹמֵר.

With regard to the halakhic ruling, **Rav Yehuda says** that **Shmuel says:** The ***halakha*** is that **a person requests his own needs** during the *Amida* prayer **in** the blessing ending: **Who listens to prayer. Rav Yehuda, son of Rav Shmuel bar Sheilat, says in the name of Rav: Although** the Sages **said** that **a person requests his own needs in** the blessing ending: **Who listens to prayer,** that is not the only option. **Rather, if he wishes to recite at the conclusion of each and every blessing**[H] personal requests that **reflect the nature of each and every blessing, he may recite** them.

HALAKHA

Recite at the conclusion of each and every blessing – לוֹמַר בְּסוֹף כָּל בְּרָכָה וּבְרָכָה: One may add additional requests that are related to the topic of the blessing during any of the middle blessings of the *Amida* prayer. For example, if one knows a sick person, he should add a special prayer during the blessing of the sick; and if one is in need of sustenance, he should add a special prayer during the blessing of the years. This *halakha* is in accordance with the statement of Rabbi Ḥiyya bar Ashi. The Rema writes that one may add additional prayers in the middle of the blessings, but he should not begin a blessing with his personal prayer. One may also add any request in the blessing ending: Who listens to prayer, as the blessing includes all requests. One may not add any additional requests during the first or last three blessings of the *Amida* prayer.

According to Rabbeinu Yona, if the additional request is on behalf of the entire Jewish people, it is recited in the plural and inserted at the conclusion of the blessing, rather than in the middle, so as not to give the appearance of adding to the language established by the Sages. If the request is personal, e.g., a prayer for a sick member of his household or a request for sustenance, it can be recited in the middle of the blessing and is formulated in the singular. During the blessing ending: Who listens to prayer, one may add any request, either in the singular or in the plural, whether for one's personal needs or for the needs of the public (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:2–3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 119:1).

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אָמַר רַב חִיָּיא בַּר אַשִׁי אָמַר רַב: אַף עַל פִּי שֶׁאָמְרוּ שׁוֹאֵל אָדָם צָרְכּוֹ בִּ״שׁוֹמֵעַ תְּפִלָּה״, אִם יֵשׁ לוֹ חוֹלֶה בְּתוֹךְ בֵּיתוֹ – אוֹמֵר בִּבְרַכַּת חוֹלִים, וְאִם צָרִיךְ לְפַרְנָסָה – אוֹמֵר בִּבְרַכַּת הַשָּׁנִים.

Similarly, **Rav Ḥiyya bar Ashi says** that **Rav says: Although** the Sages **said** that **a person requests his own needs in** the blessing ending: **Who listens to prayer, if he has a sick person in his house he recites** a special prayer for him **during the blessing of the sick. And if he is in need of sustenance, he recites** a request **during the blessing of the years.**

אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: אַף עַל פִּי שֶׁאָמְרוּ שׁוֹאֵל אָדָם צָרְכּוֹ בִּ״שׁוֹמֵעַ תְּפִלָּה״, אֲבָל אִם בָּא לוֹמַר אַחַר תְּפִלָּתוֹ, אֲפִילּוּ כְּסֵדֶר יוֹם הַכִּפּוּרִים – אוֹמֵר.

Rabbi Yehoshua ben Levi says: Although the Sages **said** that **a person requests his own needs in** the blessing ending: **Who listens to prayer; but if one wishes to recite** prayers and supplications **after** finishing **his *Amida* prayer,**[H] **even** if his personal requests **are as** long as **the order** of the confession of **Yom Kippur, he may recite** them.

מתני׳ וְאֵלּוּ אֵידֵיהֶן שֶׁל גּוֹיִם: קַלַנְדָּא, וְסַטַרְנוּרָא, וְקַרְטֵיסִים, וְיוֹם גֶּנוּסְיָא שֶׁל מַלְכֵיהֶם, וְיוֹם הַלֵּידָה, וְיוֹם הַמִּיתָה, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: כָּל מִיתָה שֶׁיֵּשׁ בָּהּ שְׂרֵיפָה – יֵשׁ בָּהּ עֲבוֹדָה זָרָה, וְשֶׁאֵין בָּהּ שְׂרֵיפָה – אֵין בָּהּ עֲבוֹדָה זָרָה; אֲבָל יוֹם תִּגְלַחַת זְקָנוֹ וּבְלוֹרִיתוֹ, וְיוֹם שֶׁעָלָה בּוֹ מִן הַיָּם, וְיוֹם שֶׁיָּצָא מִבֵּית הָאֲסוּרִין, וְגוֹי שֶׁעָשָׂה מִשְׁתֶּה לִבְנוֹ – אֵינוֹ אָסוּר אֶלָּא אוֹתוֹ הַיּוֹם וְאוֹתוֹ הָאִישׁ בִּלְבַד.

MISHNA

And these are the festivals of gentiles: Kalenda,[L] **Saturnalia,**[L] **and Kratesis,**[L] **and the day of the festival**[B] **of their kings,**[H] **and the birthday** of the king, **and** the anniversary of **the day of the death**[HN] of the king. This is **the statement of Rabbi Meir. And the Rabbis say: Every death that includes** public **burning**[NB] is a festival that **includes idol worship, and** any death **that does not include** public **burning** is **not** a festival that **includes idol worship. But** in the case of **the day of shaving**[H] **his,** i.e., a gentile's, **beard**[B] **and his locks, and the day of** his **ascent from the sea,**[N] **and the day that he left prison, and** also in the case of **a gentile who prepared** a wedding **feast for his son** and celebrates on that day, engaging in business **is prohibited only** on **that day and** with **that man.**

HALAKHA

If one wishes to recite prayers and supplications after finishing his *Amida* prayer – אִם בָּא לוֹמַר אַחַר תְּפִלָּתוֹ: If one wants to recite prayers and supplications after finishing his *Amida* prayer, even if his personal requests are as long as the order of the confession of Yom Kippur, he may do so, either before or after he recites the verse: "May the words of my mouth and the meditations of my heart be acceptable before You" (Psalms 19:15). One may recite this prayer either in the singular or in the plural, and one may pray for his own individual requirements as well as for the needs of the community. This ruling is in accordance with the statement of Rabbi Yehoshua ben Levi (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 6:2; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 119:1).

Day of the festival of their kings – יוֹם גֶּנוּסְיָא שֶׁל מַלְכֵיהֶם: The status of the day on which the gentiles gather to appoint a king and sacrifice offerings to their gods is akin to other festivals, and it is prohibited to engage in business transactions during the three days that precede the event. According to some opinions, the celebration of the king's birth and death have this same status, provided that the celebration includes public burnings (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:5, and Ra'avad there; *Shulḥan Arukh*, *Yoreh De'a* 148:6).

Day of the death – יוֹם הַמִּיתָה: If gentiles celebrate someone's death, on that day it is prohibited for Jews to engage in business transactions with the gentiles who are involved in the celebration. Every death that is accompanied by the burning of items and incense clearly involves idol worship. This ruling is in accordance with the opinion of the Rabbis. Some commentaries maintain that the prohibition applies to the three days before the celebration of a king's death, provided that the celebration includes public burnings (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:5, and Ra'avad there).

Day of shaving, etc. – יוֹם תִּגְלַחַת וכו׳: If a gentile celebrates a personal festival and gives thanks to his idol to mark his birthday, the day of shaving his beard, the day of cutting his locks, the day of his ascent from the sea, or the day that he left prison, or if he holds a feast for his son, engaging in business is prohibited only on that day and with that man alone (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:5; *Shulḥan Arukh*, *Yoreh De'a* 148:7).

BACKGROUND

Day of the festival – יוֹם גֶּנוּסְיָא: From the Greek γενέσια, *genesia*, whose principal meaning is birthday. The root has the wider meaning of a beginning, creation of a new item, or a point of origin. It can also mean success and good luck. In this context, this term is understood as referring both to a birthday and also to a new beginning, the first day of the king's rule.

Death that includes burning – מִיתָה שֶׁיֵּשׁ בָּהּ שְׂרֵיפָה: The expression: Death that includes burning, can be understood in two ways. It could be referring to the ritual, also practiced by the Jews, of burning precious possessions as a sign of mourning and in order to honor a deceased king or prince. Rituals of this kind are often connected to idol worship and sorcery.

A different type of burning is the cremation of the deceased. For generations, the Romans would commonly cremate their dead; they would bury their dead only infrequently. At that time, cremation was not a religious ritual but a way of disposing of the remains. From the time of Julius Caesar, when it became customary for the Senate to deify the emperor after his demise, the royal cremation became a religious rite. The emperor was cremated in a special festive ceremony, accompanied by setting an eagle free.

Day of shaving his beard – יוֹם תִּגְלַחַת זְקָנוֹ: There was a Roman custom that on the day the emperor would shave his beard, either as a sign of maturity or for any other reason, a public holiday was declared and offerings were sacrificed to the gods. In general, growing and shaving one's beard were linked to various rituals, among them the rite of the Roman goddess Fortuna Barbata, the goddess of good fortune appointed over the beard.

LANGUAGE

Kalenda – קַלַנְדָּא: From the Latin Calandae or Kalendae, calends in English, which is the first day of each month in the Roman calendar. When the Sages use this term they are referring specifically to the calends at the beginning of the year, Kalendae Januirae, or the first of January. As explained here, this day falls eight days after the winter solstice, or December 22. On this day the Romans would celebrate with circus shows and similar events, and sacrifice offerings to their gods.

Saturnalia – סַטַרְנוּרָא: This is a Roman festival celebrated between the 17th and 22nd of December. The Romans would sacrifice offerings to the god Saturn, along with many kinds of festive activities, e.g., freeing slaves, for the duration of the festival. The main festivities were on the first day, but certain festive aspects would continue for a few days.

Kratesis – קַרְטֵיסִים: From the Greek κράτησις, *kratēsis*, which has several related meanings, including rule, dominion, achieving the highest rank, and the ascent of the emperor to the throne.

NOTES

The birthday and the day of the death, etc. – יוֹם הַלֵּידָה וְיוֹם הַמִּיתָה וכו׳: Some commentaries explain that this is referring to the day of birth and death of every individual, not specifically the king. According to this explanation, these days are included in the list of days on which the prohibition of engaging in business applies only to that single individual and only on the day itself (Rambam). Other early commentaries maintain that the mishna is referring specifically to the birth and death of the king, and the prohibition applies to the days preceding the festival as well. According to this opinion, the mishna begins to list festivals that apply to individuals alone with the example of the day of shaving one's beard (Rashi; see Jerusalem Talmud). Yet others maintain that although the mishna is referring specifically to the king, not to any individual, since these are not considered important festivals the prohibition against engaging in business applies only on the day of the festival itself (Ra'avad).

That includes burning – שֶׁיֵּשׁ בָּהּ שְׂרֵיפָה: This is referring to either the burning of incense or the burning of the clothing and items of the deceased (Rambam's Commentary on the Mishna).

Day of his ascent from the sea – יוֹם שֶׁעָלָה בּוֹ מִן הַיָּם: According to Rashi, this is referring to one who returned from a sea journey and gives thanks to his idol for saving him from the dangers of the voyage. Others state that it is a festival in honor of the king upon his return from a tour of the islands that are under his rule (Meiri, citing Ra'avad).

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NOTES

Your mnemonic is: You have hemmed me in behind and before – סִימָנֶךָ אָחוֹר וָקֶדֶם צַרְתָּנִי: This is not merely a mnemonic device. It also reflects the fact that the Sages interpret this verse, and indeed that entire chapter, in reference to Adam, as the Gemara states (see Maharsha).

Once he saw that the season of Tevet – כֵּיוָן שֶׁרָאָה תְּקוּפַת טֵבֵת: Most commentaries explain that this occurred immediately after the winter solstice, as the days began to lengthen, despite the fact that they remained shorter than the nights. Others, in accordance with a different version of the text, explain that Adam had this realization only in the spring, when the days began to last longer than the nights (Rid). The Rid therefore explains that the festival Kalenda is held three months later, in the beginning of Nisan, or the vernal equinox.

Whose horns preceded its hoofs – שֶׁקַּרְנָיו קוֹדְמִין לְפַרְסוֹתָיו: The Sages explain that all the creatures that were brought into existence at the beginning of the world were created as adults. This is why its horns preceded its hoofs, unlike a normal ox which is born without horns. Some commentaries explain that this bull emerged from the ground, with its head before its legs (Rabbeinu Ḥananel).

גמ׳ אָמַר רַב חָנָן בַּר רָבָא: קַלַנְדָּא – שְׁמוֹנָה יָמִים אַחַר תְּקוּפָה, סַטַרְנוּרָא – שְׁמוֹנָה יָמִים לִפְנֵי תְּקוּפָה, וְסִימָנָךְ: ״אָחוֹר וָקֶדֶם צַרְתָּנִי״ וגו׳.

GEMARA **Rav Ḥanan bar Rava says:** When are these festivals celebrated? **Kalenda** is celebrated during the **eight days after** the winter **solstice,** and **Saturnalia** is celebrated during the **eight days before** the winter **solstice. And your mnemonic** to remember which festival is that the one that occurs after the solstice is mentioned first in the mishna, and the festival that takes place before the solstice is mentioned after, as in the verse: **“You have hemmed me in behind and before,**[N] and laid Your Hand upon me” (Psalms 139:5), where the word “before” appears after the term “behind.”

תָּנוּ רַבָּנַן: לְפִי שֶׁרָאָה אָדָם הָרִאשׁוֹן יוֹם שֶׁמִּתְמַעֵט וְהוֹלֵךְ, אָמַר: אוֹי לִי, שֶׁמָּא בִּשְׁבִיל שֶׁפָּרַחְתִּי עוֹלָם חָשׁוּךְ בַּעֲדִי וְחוֹזֵר לְתוֹהוּ וָבוֹהוּ, וְזוֹ הִיא מִיתָה שֶׁנִּגְזְרָה עָלַי מִן הַשָּׁמַיִם; עָמַד וְיָשַׁב שְׁמוֹנָה יָמִים בְּתַעֲנִית [וּבִתְפִלָּה].

With regard to the dates of these festivals, **the Sages taught: When Adam the first** man **saw** that **the day was progressively diminishing,** as the days become shorter from the autumnal equinox until the winter solstice, he did not yet know that this is a normal phenomenon, and therefore he **said: Woe** is **me; perhaps because I sinned the world is becoming dark around me and** will ultimately **return to** the primordial state of **chaos and disorder. And this is the death that was sentenced upon me from Heaven,** as it is written: “And to dust shall you return” (Genesis 3:19). **He arose and spent eight days in fasting and in prayer.**

כֵּיוָן שֶׁרָאָה תְּקוּפַת טֵבֵת וְרָאָה יוֹם שֶׁמַּאֲרִיךְ וְהוֹלֵךְ, אָמַר: מִנְהָגוֹ שֶׁל עוֹלָם הוּא; הָלַךְ וְעָשָׂה שְׁמוֹנָה יָמִים טוֹבִים. לַשָּׁנָה הָאַחֶרֶת עָשָׂאן לְאֵלּוּ וּלְאֵלּוּ יָמִים טוֹבִים. הוּא קָבָעָם לְשֵׁם שָׁמַיִם, וְהֵם קְבָעוּם לְשֵׁם עֲבוֹדָה זָרָה.

Once he saw that the **season of Tevet,**[N] i.e., the winter solstice, had arrived, **and saw** that **the day was progressively lengthening** after the solstice, he **said:** Clearly, the days become shorter and then longer, and this **is the order of the world. He went and observed a festival** for **eight days. Upon the next year, he observed** both **these** eight days on which he had fasted on the previous year, **and these** eight days of his celebration, as **days of festivities. He,** Adam, **established** these festivals **for the sake of Heaven, but they,** the gentiles of later generations, **established them for the sake of idol worship.**

בִּשְׁלָמָא לְמַאן דְּאָמַר: בְּתִשְׁרֵי נִבְרָא הָעוֹלָם, יוֹמֵי זוּטֵי חֲזָא, יוֹמֵי אֲרִיכֵי אַכַּתִּי לָא חֲזָא; אֶלָּא לְמַאן דְּאָמַר: בְּנִיסָן נִבְרָא הָעוֹלָם, הָא חֲזָא לֵיהּ יוֹמֵי זוּטֵי וְיוֹמֵי אֲרִיכֵי! דְּהָווּ זוּטֵי כּוּלֵּי הַאי לָא חֲזָא.

The Gemara raises a difficulty: **Granted, according to the one who says** that **the world was created in** the month of **Tishrei,** one can understand why Adam believed that the days were becoming shorter as part of his punishment, as **he saw the short days** of the winter and **had not yet seen the long days** of summer. **But according to the one who says** that **the world was created in** the month of **Nisan, he had** already **seen** the difference between **the short days and the long days,** as the days in the month of Nisan become progressively longer with the passage of time. The Gemara answers: Although Adam had experienced short days, **he had not seen days that were this short,** as in the days before the winter solstice.

תָּנוּ רַבָּנַן: יוֹם שֶׁנִּבְרָא בּוֹ אָדָם הָרִאשׁוֹן, כֵּיוָן שֶׁשָּׁקְעָה עָלָיו חַמָּה, אָמַר: אוֹי לִי, שֶׁבִּשְׁבִיל שֶׁפָּרַחְתִּי עוֹלָם חָשׁוּךְ בַּעֲדִי וְיַחֲזוֹר עוֹלָם לְתוֹהוּ וָבוֹהוּ, וְזוֹ הִיא מִיתָה שֶׁנִּגְזְרָה עָלַי מִן הַשָּׁמַיִם; הָיָה יוֹשֵׁב בְּתַעֲנִית וּבוֹכֶה כָּל הַלַּיְלָה וְחַוָּה בּוֹכָה כְּנֶגְדּוֹ. כֵּיוָן שֶׁעָלָה עַמּוּד הַשַּׁחַר, אָמַר: מִנְהָגוֹ שֶׁל עוֹלָם הוּא, עָמַד וְהִקְרִיב שׁוֹר שֶׁקַּרְנָיו קוֹדְמִין לְפַרְסוֹתָיו, שֶׁנֶּאֱמַר: ״וְתִיטַב לַה׳ מִשּׁוֹר פָּר מַקְרִן מַפְרִיס״.

The Sages taught: On **the day that Adam the first** man **was created, when the sun set upon him he said: Woe** is **me, as because I sinned, the world is becoming dark around me, and the world will return to** the primordial state of **chaos and disorder. And this is the death that was sentenced upon me from Heaven. He spent all night fasting and crying, and Eve was crying opposite him. Once dawn broke, he said:** Evidently, the sun sets and night arrives, and **this is the order of the world. He arose and sacrificed a bull whose horns preceded its hoofs**[N] in the order that they were created, **as it is stated: “And it shall please the Lord better than a bullock that has horns and hoofs”** (Psalms 69:32). This verse is referring to the one particular bull whose horns preceded its hoofs.

וְאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: שׁוֹר שֶׁהִקְרִיב אָדָם הָרִאשׁוֹן – קֶרֶן אַחַת הָיְתָה לוֹ בְּמִצְחוֹ, שֶׁנֶּאֱמַר: ״וְתִיטַב לַה׳ מִשּׁוֹר פָּר מַקְרִן מַפְרִיס״. ״מַקְרִין״ תַּרְתֵּי מַשְׁמַע! אָמַר רַב נַחְמָן בַּר יִצְחָק: ״מִקֶּרֶן״ כְּתִיב.

And Rav Yehuda says that **Shmuel says:** The **bull that Adam the first** man **sacrificed had one horn in its forehead, as it is stated: “And it shall please the Lord better than a bullock that has horns** [*makrin*] **and hooves.”** The Gemara raises a difficulty: Isn’t ***makrin*** plural, which **indicates two** horns? **Rav Naḥman bar Yitzḥak says: *Mikkeren* is written,** i.e., the letter *yod* is missing from the word, indicating that there was only one horn.

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אָמַר רַב מַתָּנָה: רוֹמִי שֶׁעָשְׂתָה קַלַנְדָּא, וְכָל הָעֲיָירוֹת הַסְּמוּכוֹת לָהּ מִשְׁתַּעְבְּדוֹת לָהּ, אוֹתָן עֲיָירוֹת אֲסוּרוֹת אוֹ מוּתָּרוֹת? רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי אָמַר: קַלַנְדָּא אֲסוּרָה לַכֹּל הִיא; רַבִּי יוֹחָנָן אָמַר: אֵין אֲסוּרָה אֶלָּא לְעוֹבְדֶיהָ בִּלְבַד.

§ **Rav Mattana says:** Since **Rome established** the festival of **Kalenda** on a specific date, **and all of the nearby towns are ruled by** Rome,[N] i.e., they pay their tax to Rome and provide its needs but do not themselves celebrate the festival, is it **prohibited or permitted** to engage in business transactions with the gentile residents of **those towns? Rabbi Yehoshua ben Levi says: It is prohibited** to engage in business during the time of the **Kalenda with everyone. Rabbi Yoḥanan says: It is prohibited** to engage in business **only with its worshippers,** whereas it is permitted to engage in business transactions with gentiles who do not celebrate the festival.

תָּנָא כְּוָותֵיהּ דְּרַבִּי יוֹחָנָן: אַף עַל פִּי שֶׁאָמְרוּ רוֹמִי עָשְׂתָה קַלַנְדָּא, וְכָל עֲיָירוֹת הַסְּמוּכוֹת לָהּ מִשְׁתַּעְבְּדוֹת לָהּ, הֲרֵי עַצְמָהּ אֵינָהּ אֲסוּרָה אֶלָּא לְעוֹבְדֶיהָ בִּלְבַד;

The Sage **taught** in a *baraita* **in accordance with** the opinion **of Rabbi Yoḥanan: Although they said** that **Rome** has **established** the festival of **Kalenda and all of the nearby towns are ruled by** Rome, **it is prohibited** to engage in business **only with its worshippers.**[H]

סָטַרְנַלְיָא וּקְרַטֵסִים, וְיוֹם גְּנוּסְיָא שֶׁל מַלְכֵיהֶם, וְיוֹם שֶׁהוּמְלַךְ בּוֹ מֶלֶךְ – לְפָנָיו אָסוּר, אַחֲרָיו מוּתָּר; וְגוֹי שֶׁעָשָׂה (בּוֹ) מִשְׁתֶּה לִבְנוֹ – אֵין אָסוּר אֶלָּא אוֹתוֹ הַיּוֹם וְאוֹתוֹ הָאִישׁ.

The *baraita* continues: With regard to the festivals **Saturnalia and Kratesis, and the day of the festival of their kings, and** the **day on which** the **king was crowned,** the *halakha* is that **before** the festival it is **prohibited** to engage in business transactions, whereas **after** the festival it is **permitted. But** in the case of **a gentile who prepared a feast for his son** and celebrates on that day, engaging in business **is prohibited only** on **that day** itself **and** with **that man.**

אָמַר רַב אַשִׁי: אַף אֲנַן נְמִי תָּנֵינָא, דְּקָתָנֵי: יוֹם תִּגְלַחַת זְקָנוֹ וּבְלוֹרִיתוֹ, וְיוֹם שֶׁעָלָה בּוֹ מִן הַיָּם, וְיוֹם שֶׁיָּצָא בּוֹ מִבֵּית הָאֲסוּרִין – אֵין אָסוּר אֶלָּא אוֹתוֹ הַיּוֹם בִּלְבַד וְאוֹתוֹ הָאִישׁ;

Rav Ashi said: We learn in the mishna **as well** in accordance with Rabbi Yoḥanan's statement that the prohibition applies only to gentiles who celebrate the festival, not to people who are ruled by them. **As** the mishna **teaches:** With regard to **the day of shaving his beard and his locks, and the day of his ascent from the sea, and the day that he left prison,** engaging in business **is prohibited only** on **that day and** with **that man.**

בְּשִׁלְמָא אוֹתוֹ הַיּוֹם – לְאַפּוֹקֵי לְפָנָיו וּלְאַחֲרָיו, אֶלָּא אוֹתוֹ הָאִישׁ לְאַפּוֹקֵי מַאי? לָאו לְאַפּוֹקֵי מְשָׁעְבְּדֵיהּ? שְׁמַע מִינָּהּ.

Rav Ashi explains the proof: **Granted,** the mishna specifies that the prohibition is limited to **that day** alone, in order **to exclude** the days **before and after it. But** when it states that the prohibition applies only to **that man, what does** the mishna **exclude?** Obviously the prohibition does not extend to all gentiles, as it is a personal festival. **Doesn't** the mishna's ruling serve **to exclude those who are ruled by him?** Therefore, **conclude from** the language of the mishna that a prohibition extends only to gentiles who celebrate the festival, not to those who are ruled by them.

תָּנָיָא, רַבִּי יִשְׁמָעֵאל אוֹמֵר: יִשְׂרָאֵל שֶׁבְּחוּצָה לָאָרֶץ עוֹבְדֵי עֲבוֹדָה זָרָה בְּטָהֳרָה הֵן, כֵּיצַד? גּוֹי שֶׁעָשָׂה מִשְׁתֶּה לִבְנוֹ וְזִימֵּן כָּל הַיְּהוּדִים שֶׁבְּעִירוֹ, אַף עַל פִּי שֶׁאוֹכְלִין מִשֶּׁלָּהֶן, וְשׁוֹתִין מִשֶּׁלָּהֶן, וְשַׁמָּשׁ שֶׁלָּהֶן עוֹמֵד לִפְנֵיהֶם – מַעֲלָה עֲלֵיהֶם הַכָּתוּב כְּאִילּוּ אָכְלוּ מִזִּבְחֵי מֵתִים, שֶׁנֶּאֱמַר: "וְקָרָא לְךָ וְאָכַלְתָּ מִזִּבְחוֹ".

It is taught in a *baraita* that **Rabbi Yishmael says: Jews who are outside of Eretz** Yisrael **are** considered to **engage in idol worship in purity,** i.e., unwittingly. **How** does this occur? In the case of **a gentile who prepared a feast for** the marriage of **his son,**[H] **and invited all of the Jews in his town, even though they eat of their own** kosher food **and drink of their own** kosher beverages, **and their own attendant stands before them, the verse ascribes** guilt **to them as though they ate of** the **offerings to the dead,**[N] i.e., idols, **as it is stated:** "And sacrifice to their gods, **and they call you, and you eat of their sacrifice"** (Exodus 34:15). Since Jews participate in a feast in which the gentile sacrifices offerings to his idol, it is as though they partook of the offering themselves.

וְאֵימָא: עַד דְּאָכֵיל! אֲמַר רָבָא: אִם כֵּן, נֵימָא קְרָא "וְאָכַלְתָּ מִזִּבְחוֹ", מַאי "וְקָרָא לְךָ"? מִשְׁעַת קְרִיאָה. הִלְכָךְ,

The Gemara asks: **But** why not **say** that the verse is criticizing the Jews only **once they eat** from the sacrifice? **Rava said: If** that **is** what is meant, **let the verse say** only: **And you eat of their sacrifice. What** is meant by the additional phrase: **"And they call you"?** This indicates that the prohibition occurs **from the time of the call. Therefore,**

NOTES

Nearby towns are ruled by Rome – עֲיָירוֹת הַסְּמוּכוֹת לָהּ מִשְׁתַּעְבְּדוֹת לָהּ: According to Rashi, these towns did not celebrate the festivals, but were ruled by Rome and were responsible for paying taxes and forced labor. The Gemara's question is whether there is a concern that goods sold to them will ultimately be used by the Romans during the Kalenda. The Ritva holds that in such a case there would certainly be no prohibition with regard to selling merchandise. Instead, he explains that the members of these towns do participate in the festival of Kalenda but only out of respect for the Romans and because they are subjected to their rule, not due to their own religious beliefs. Others add that this is why the Kalenda festival is the only one mentioned here, as it was the most important festival for the Romans and therefore it was on this festival alone that residents of nearby towns were required to join in the festivities (*Torat Ḥayyim*). This is apparently the opinion of the *Tosefta* as well, and the basis for the ruling of the Rambam.

Offerings to the dead – זִבְחֵי מֵתִים: This expression is referring to offerings that are sacrificed to other gods, who are called dead because they have no life or substance. This terminology is found in the verse: "They joined themselves also to Ba'al-Peor, and ate the offerings of the dead" (Psalms 106:28).

HALAKHA

It is prohibited to engage in business only with its worshippers – אֵינָהּ אֲסוּרָה אֶלָּא לְעוֹבְדֶיהָ בִּלְבַד: The prohibition against engaging in business transactions on the day of a festival applies only to those gentiles who actually worship the idol. It does not apply to gentiles who take part in the festivities merely out of respect for the king, or because it is the custom to do so. This *halakha* is in accordance with the opinion of Rabbi Yoḥanan, as the Gemara cites proof for his statement (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:5; *Shulḥan Arukh*, *Yoreh De'a* 148:8).

A gentile who prepared a feast for the marriage of his son, etc. – גּוֹי שֶׁעָשָׂה מִשְׁתֶּה לִבְנוֹ וכו': If a gentile holds a feast for his son, and invites all of the Jews in his town to the celebration, it is prohibited for the Jews to take part. This is the *halakha* even if they eat and drink their own kosher food and beverages, and are served by their own attendants, as the celebration itself involves idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:15; *Shulḥan Arukh*, *Yoreh De'a* 152:1).

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כָּל תְּלָתִין יוֹמִין, בֵּין אֲמַר לֵיהּ מֵחֲמַת הִלּוּלָא וּבֵין לָא אֲמַר לֵיהּ מֵחֲמַת הִלּוּלָא – אָסוּר; מִכָּאן וְאֵילָךְ, אִי אֲמַר לֵיהּ מֵחֲמַת הִלּוּלָא – אָסוּר, וְאִי לָא אֲמַר לֵיהּ מֵחֲמַת הִלּוּלָא – שָׁרֵי.

during **all** the **thirty days**[H] that follow the wedding celebration, if the gentile invites a Jew to a feast, **whether he said** to the Jew that the feast is **due to the wedding celebration or whether he did not say to him** that the feast is **due to the wedding celebration,** it is **prohibited** to attend, as it is assumed the festivity is part of the wedding celebration. **From this** point **forward, if he said to him** that the feast is **due to the wedding celebration,** it is **prohibited** to participate, **but if he did not say to him** that the feast is **due to the wedding celebration,** it is **permitted** to do so.

וְכִי אֲמַר לֵיהּ מֵחֲמַת הִלּוּלָא, עַד אֵימָתַי? אֲמַר רַב פַּפָּא: עַד תְּרֵיסַר יַרְחֵי שַׁתָּא. וּמֵעִיקָּרָא מֵאֵימָתַי אָסוּר? אֲמַר רַב פַּפָּא מִשְּׁמֵיהּ דְּרָבָא: מִכִּי רָמוּ שַׁעֲרֵי בַּאֲסִינְתֵּי.

The Gemara asks: **And** in a case **where he said to him** that the feast is **due to the wedding celebration, until when** is the feast assumed to be connected to idol worship? **Rav Pappa said: Until twelve months of the year** have passed since the wedding. The Gemara asks: **And initially,** before the wedding, **from when is it prohibited? Rav Pappa said in the name of Rava: From** the time **when they cast barley into the mortars** [*ba'asintei*][LN] to prepare beer for the wedding.

וּלְבָתַר תְּרֵיסַר יַרְחֵי שַׁתָּא שָׁרֵי? וְהָא רַב יִצְחָק בְּרֵיהּ דְּרַב מְשַׁרְשְׁיָא אִיקְּלַע לְבֵי הַהוּא גּוֹי לְבָתַר תְּרֵיסַר יַרְחֵי שַׁתָּא, וּשְׁמָעֵיהּ דְּאוֹדֵי, וּפֵירֵשׁ וְלָא אֲכַל! שָׁאנֵי רַב יִצְחָק בְּרֵיהּ דְּרַב מְשַׁרְשְׁיָא, דְּאָדָם חָשׁוּב הוּא.

The Gemara asks: **And after the twelve months of the year** have passed since the wedding, is it always **permitted** to participate in a feast? **But Rav Yitzḥak, son of Rav Mesharshiyya, happened** to come **to the house of a certain gentile after twelve months of the year** had passed since his son's wedding, **and he heard** the gentile **giving thanks** to his idol for the marriage of his son, **and he withdrew** from the feast **and did not eat** there. The Gemara answers: **Rav Yitzḥak, son of Rav Mesharshiyya, is different, as he is an important person**[N] and therefore his presence caused the gentile to rejoice.

״וּקְרָטֵסִים״ וכו׳. מַאי קְרָטֵסִים? אֲמַר רַב יְהוּדָה אֲמַר שְׁמוּאֵל: יוֹם שֶׁתָּפְסָה בּוֹ רוֹמִי מַלְכוּת. וְהָתַנְיָא: קְרָטֵסִים וְיוֹם שֶׁתָּפְסָה בּוֹ רוֹמִי מַלְכוּת! אֲמַר רַב יוֹסֵף: שְׁתֵּי תְּפִיסוֹת תָּפְסָה רוֹמִי, אַחַת בִּימֵי קְלֵפַּטְרָא מַלְכְּתָא, וְאַחַת שֶׁתָּפְסָה בִּימֵי יְוָנִים;

§ The mishna teaches: **And Kratesis,** and the day of the festival of their kings. The Gemara asks: **What** is the festival of **Kratesis? Rav Yehuda said** that **Shmuel said:** It commemorates **the day when Rome seized** control of **an empire.** The Gemara asks: **But isn't it taught** in a *baraita*: Two festivals are **Kratesis and the day when Rome seized** control of **an empire?** This indicates that Kratesis and the day when Rome seized control of an empire are two separate festivals. **Rav Yosef said:** On **two** separate occasions **Rome seized** control of **an empire. One** occurred **in the days of Queen Cleopatra,**[B] when they conquered Egypt, **and one** happened much earlier, **when** Rome **seized** control **in the days of the Greeks.**[B]

HALAKHA

During all thirty days, etc. – כָּל תְּלָתִין יוֹמִין וכו׳: With regard to a gentile who holds a wedding feast for his son or daughter, it is prohibited to eat with him from the time he begins preparing for the feast until thirty days after the wedding. Even after that time has passed, if the gentile specifies that he is inviting the Jew due to the wedding, it is prohibited to come until twelve months after the wedding. This ruling is in accordance with the opinion of Rav Pappa. After twelve months have passed it is permitted to eat with the gentile, unless the Jew is an important person, as in the incident involving Rav Yitzḥak, son of Rav Mesharshiyya (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:15; *Shulḥan Arukh*, *Yoreh De'a* 152:1, and see *Shakh* there).

LANGUAGE

Mortar [*asinta*] – אֲסִינְתָּא: Probably from the Aramaic *asita*, meaning mortar. If so, the Gemara is referring to the time when one begins to crush barley in order to make beer.

BACKGROUND

In the days of Queen Cleopatra – בִּימֵי קְלֵפַּטְרָא מַלְכְּתָא: This is the Egyptian queen Cleopatra VII, the last ruler of Egypt. The Gemara is apparently referring to the conquest of Egypt in the time of Augustus Caesar, 30–31 CE, which began Rome's complete control over the Middle East. At that time, the Roman Senate declared this day, the thirteenth of August of the year 30 CE, a holiday and proclaimed it the first day of the new calendar. The new festival was celebrated for several years to come, and every five years the Romans would hold special events, which included worship of the emperor and lavish circus acts.

Roman statue of Cleopatra VII

In the days of the Greeks – בִּימֵי יְוָנִים: This is possibly a reference to the commemoration of the decisive military victories of the Romans over the Greeks. One such victory occurred in the battle of Magnesia in the year 190 BCE, which was waged against Antiochus III the Great. This signaled the beginning of the Roman Empire's rule over the Middle East.

NOTES

Barley into the mortars – שַׁעֲרֵי בַּאֲסִינְתֵּי: Barley would be placed in tubs for the brewing of beer in preparation for the celebration (Rashi). Other commentaries say that although in Europe beer was prepared from barley, there is no source for such use of barley in Babylonia. Rather, the beer was brewed with dates and other fruit (*Tosafot*). Another explanation cited by Rashi is that the barley was planted in pots, and during the wedding ceremony these plants and leaves were passed in front of the bride and groom as an auspicious sign.

As he is an important person – דְּאָדָם חָשׁוּב הוּא: This gentile was pleased that an important person such as Rav Yitzḥak, son of Rav Mesharshiyya, had come to honor him and pay him a visit, and for this reason he gave thanks to his idol. With regard to ordinary people this concern does not exist, as a gentile would not be so pleased to see them (Rashi). Alternatively, this phrase can be understood to mean that because Rav Yitzḥak, son of Rav Mesharshiyya, was an important individual, he had to take extra care in his behavior so that others would not learn from his example and act more leniently themselves.

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דְּכִי אֲתָא רַב דִּימִי אֲמַר: תְּלָתִין וּתְרֵין קְרָבֵי עֲבַדוּ רוֹמָאֵי בַּהֲדֵי יְוָנָאֵי וְלָא יָכְלוּ לְהוּ, עַד דְּשָׁתְּפִינְהוּ לְיִשְׂרָאֵל בַּהֲדַיְיהוּ, וְהָכִי אַתְּנוּ בַּהֲדַיְיהוּ: אִי מִינַּן מַלְכֵי – מִנַּייכוּ הִפַּרְכֵי, אִי מִנַּייכוּ מַלְכֵי – מִינַּן הִפַּרְכֵי;

The Gemara elaborates: **As when Rav Dimi came** from Eretz Yisrael **he said: The Romans waged thirty-two battles**[B] **with the Greeks but were unable to** defeat **them, until they formed a partnership with the Jewish people** and finally vanquished the Greeks. **And this is the condition that they stipulated with** the Jewish people: **If the kings** come **from among us, the governors** [*hiparkhei*][L] will come **from among you;** and **if the kings** come **from among you, the governors** will come **from among us.**

וּשְׁלַחוּ לְהוּ רוֹמָאֵי לְיוָנָאֵי: עַד הָאִידָּנָא עָבִידְנָא בְּקָרָבָא, הָשְׁתָּא נַעֲבִיד בְּדִינָא, מַרְגָּלִית וְאֶבֶן טוֹבָה, אֵיזוֹ מֵהֶן יֵעָשֶׂה בָּסִיס לַחֲבֵירוֹ? שְׁלַחוּ לְהוּ: מַרְגָּלִית לְאֶבֶן טוֹבָה.

And the Romans sent the following message **to the Greeks: Until now, we** attempted to resolve our conflict **through** fighting **battles; now, let us** settle the matter **by** means of **judgment.** In the case of **a pearl and a precious stone, which** one **of them should serve as a base for the other?** The Greeks **sent them** in response: The **pearl** should serve as the base **for** the **precious stone,** which has a greater value.

אֶבֶן טוֹבָה וְאִינָךְ אֵיזוֹ מֵהֶן יֵעָשֶׂה בָּסִיס לַחֲבֵירוֹ? אֶבֶן טוֹבָה לְאִינָךְ. אִינָךְ וְסֵפֶר תּוֹרָה, אֵיזוֹ מֵהֶן יֵעָשֶׂה בָּסִיס לַחֲבֵירוֹ? אִינָךְ לְסֵפֶר תּוֹרָה.

The Romans further inquired: If there was **a precious stone and an onyx** [*innakh*],[L] a particularly valuable precious stone, **which** one **of them should serve as a base for the other?** The Greeks answered: The **precious stone** should serve as the base **for** the **onyx.** Once again, the Romans asked: In the case of **an onyx and a Torah scroll, which** one **of them should be serve as a base for the other?** The Greeks responded: The **onyx** should serve as the base **for the Torah scroll.**

שְׁלַחוּ לְהוּ: [אִם כֵּן,] אֲנַן סֵפֶר תּוֹרָה גַּבָּן וְיִשְׂרָאֵל בַּהֲדָן, כְּפוּ לְהוּ. עֶשְׂרִין וְשִׁית שְׁנִין קָמוּ לְהוּ בְּהֵימָנוּתַיְיהוּ בַּהֲדֵי יִשְׂרָאֵל, מִכָּאן וְאֵילָךְ אִישְׁתַּעְבְּדוּ בְּהוּ.

The Romans **sent** this response **to them: If** that is **so,** then you should submit to us, as **we have** the **Torah scroll with us, and the Jewish people** are **with us.** The Romans are akin to the precious stone, and they are allied with the Jewish people who are akin to the onyx, and they possess the Torah scroll. The Romans therefore **forced** the Greeks to surrender and took over their world dominance. For **twenty-six years** the Romans **stood faithfully with the Jewish people; from that** point **forward, they subjugated them.**

מֵעִיקָּרָא מַאי דְּרוּשׁ, וּלְבַסּוֹף מַאי דְּרוּשׁ? מֵעִיקָּרָא דְּרוּשׁ: ״נִסְעָה וְנֵלְכָה וְאֵלְכָה לְנֶגְדֶּךָ״, וּלְבַסּוֹף דְּרוּשׁ: ״יַעֲבָר נָא אֲדֹנִי לִפְנֵי עַבְדּוֹ״.

The Gemara asks: **Initially,** when the Romans acted faithfully, **what** verse **did they interpret, and ultimately,** when they subjugated the Jews, **what** verse **did they interpret? Initially, they interpreted** the verse where Esau said to Jacob upon their meeting: **“Let us take our journey, and let us go, and I will go before you”** (Genesis 33:12). In this verse, Esau equates himself to Jacob, prefiguring the initial Roman treatment of the Jews. **And ultimately, they interpreted** the verse that recites Jacob’s response to Esau: **“Let my lord, I pray you, pass over before his servant”** (Genesis 33:14), demonstrating Jacob’s subjugation to Esau, and by extension that of the Jews to Rome.

עֶשְׂרִין וְשִׁית שְׁנִין דְּקָמוּ בְּהֵימָנוּתַיְיהוּ בַּהֲדֵי יִשְׂרָאֵל, מְנָא לָן? דְּאָמַר רַב כָּהֲנָא: כְּשֶׁחָלָה רַבִּי יִשְׁמָעֵאל בַּר יוֹסֵי, שָׁלְחוּ לֵיהּ: רַבִּי, אֱמוֹר לָנוּ שְׁנַיִם וּשְׁלֹשָׁה דְּבָרִים שֶׁאָמַרְתָּ לָנוּ מִשּׁוּם אָבִיךָ.

The Gemara asks: With regard to the **twenty-six years during which** the Romans **stood faithfully with the Jewish people, from where do we** know that this was the case? The Gemara cites a proof. **As Rav Kahana says: When Rabbi Yishmael, son of Rabbi Yosei, fell ill,** the Sages **sent** the following message **to him:** Our **teacher, tell us two or three statements that you** once **told us in the name of your father,** Rabbi Yosei ben Ḥalafta, as we do not remember the statements precisely.

אָמַר לְהוּ: מֵאָה וּשְׁמֹנִים שָׁנָה קוֹדֶם שֶׁנֶּחֱרַב הַבַּיִת – פָּשְׁטָה מַלְכוּת הָרִשָׁעָה עַל יִשְׂרָאֵל, שְׁמוֹנִים שָׁנָה עַד לֹא חָרַב הַבַּיִת – גָּזְרוּ טוּמְאָה עַל אֶרֶץ הָעַמִּים וְעַל כְּלֵי זְכוּכִית, אַרְבָּעִים שָׁנָה עַד לֹא חָרַב הַבַּיִת – גָּלְתָה סַנְהֶדְרִין וְיָשְׁבָה לָהּ בַּחֲנוּת.

Rabbi Yishmael, son of Rabbi Yosei, **said to them** the following statements that were passed down to him by his father: **One hundred and eighty years before the** Second **Temple was destroyed, the evil** Roman **Empire stretched forth over Israel** and ruled over them. **Eighty years before the Temple was destroyed,** the Sages **decreed impurity on the land of the nations and on glass vessels. Forty years before the Temple was destroyed, the Sanhedrin was exiled**[H] from the Chamber of Hewn Stone **and sat in the store**[B] near the Temple Mount.

BACKGROUND

Thirty-two battles – תְּלָתִין וּתְרֵין קְרָבֵי: It is difficult to gauge the precise number of battles or wars fought between the Romans and the Greeks. There were many wars and battles fought between these two nations, e.g., the Pyrrhic Wars and the Mithridatic Wars, some of which were won by the Greeks. It was only after two hundred years of conflict that the Romans became the decisive victors.

Store – חֲנוּת: Various sources indicate that there was a shopping area in the vicinity of the Temple Mount, perhaps located at the foot of its western side. The Sanhedrin moved there.

LANGUAGE

Governor [*hiparkha*] – הִפַּרְכָּא: From the Greek ὕπαρχος, *huparkhos*, meaning ruler or governor.

Onyx [*innakh*] – אִינָךְ: From the Greek ὄνυξ, *onux*, onyx is a silica based gem comprised of multicolored layers, generally black and white. Some contend that it is the *shoham* stone mentioned in the Bible (see Genesis 2:12). The Gemara indicates that this stone was considered more valuable in that period than nowadays.

HALAKHA

The Sanhedrin was exiled, etc. – גָּלְתָה סַנְהֶדְרִין וכו׳: Courts may judge capital cases only when the Temple is standing and while the Sanhedrin is sitting in its proper place in the Chamber of Hewn Stone in the Temple. This is derived from a verse that deals with a rebellious elder: “And the man that does presumptuously, in not hearkening unto the priest that stands to minister there before the Lord your God, or unto the judge, even that man shall die” (Deuteronomy 17:12). The verse indicates that if a priest is ministering in the Temple and the judge is there, a court may hear capital cases even outside of Eretz Yisrael. Forty years before the destruction of the Temple, the courts ceased judging capital cases. This occurred despite the fact that the Temple was still standing, as the Sanhedrin was exiled from its proper place and no longer sat in Chamber of Hewn Stone (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 14:11, 13–14).

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לְמַאי הִלְכְתָא? אֲמַר רַבִּי יִצְחָק בַּר אַבְדִּימִי: לוֹמַר, שֶׁלֹּא דָּנוּ דִּינֵי קְנָסוֹת. דִּינֵי קְנָסוֹת סָלְקָא דַּעְתָּךְ? וְהָאָמַר רַב יְהוּדָה אָמַר רַב: בְּרַם זָכוּר אוֹתוֹ הָאִישׁ לְטוֹב וְרַבִּי יְהוּדָה בֶּן בָּבָא שְׁמוֹ, שֶׁאִלְמָלֵא הוּא נִשְׁתַּכְּחוּ דִּינֵי קְנָסוֹת מִיִּשְׂרָאֵל; נִשְׁתַּכְּחוּ – לִגְרְסִינְהוּ!

The Gemara asks: **With regard to what *halakha*** is it necessary to know where the Sanhedrin would convene? **Rabbi Yitzḥak bar Avdimi said:** It is necessary in order **to say that they no** longer **judged cases of fines.**[N] The Gemara asks: **Does it enter your mind** that at this point the Sanhedrin no longer judged **cases of fines? But doesn't Rav Yehuda say** that **Rav says: Indeed** [***beram***],[L] **that man will be remembered favorably, and Rabbi Yehuda ben Bava**[P] **is his name, as had it not been for him the laws of fines would have been forgotten from** among **the Jewish people.** The Gemara challenges that assertion: **Would** the laws of fines actually **have been forgotten? Let** the scholars **study them,** so they will not be forgotten.

אֶלָּא בָּטְלוּ דִּינֵי קְנָסוֹת מִיִּשְׂרָאֵל, שְׁגָזְרָה מַלְכוּת הָרְשָׁעָה שְׁמָד עַל יִשְׂרָאֵל: כָּל הַסּוֹמֵךְ יֵהָרֵג, וְכָל הַנִּסְמָךְ יֵהָרֵג, וְעִיר שֶׁסּוֹמְכִין בָּהּ תֵּחָרֵב, וּתְחוּם שֶׁסּוֹמְכִין בּוֹ יֵעָקֵר;

Rather, his intention was to say that **the laws of fines would have ceased** to be implemented **from** among **the Jewish people,** as they would not have been able to adjudicate cases involving these *halakhot* due to a lack of ordained judges. This is **because** at one time **the wicked kingdom** of Rome **issued decrees of religious persecution against the Jewish people** with the aim of abolishing the chain of ordination and the authority of the Sages. They said that **anyone who ordains** judges **will be killed, and anyone who is ordained will be killed, and the city in which they ordain** the judges **will be destroyed, and** the areas around **the boundary** of the city **in which they ordain** judges **will be uprooted.** These measures were intended to discourage the Sages from performing or receiving ordination due to fear for the welfare of the local population.

מָה עָשָׂה רַבִּי יְהוּדָה בֶּן בָּבָא? הָלַךְ וְיָשַׁב בֵּין שְׁנֵי הָרִים גְּדוֹלִים וּבֵין שְׁתֵּי עֲיָירוֹת גְּדוֹלוֹת, בֵּין שְׁנֵי תְּחוּמֵי שַׁבָּת, בֵּין אוּשָׁא לִשְׁפַּרְעָם, וְסָמַךְ שָׁם חֲמִשָּׁה זְקֵנִים: רַבִּי מֵאִיר וְרַבִּי יְהוּדָה וְרַבִּי יוֹסֵי וְרַבִּי שִׁמְעוֹן וְרַבִּי אֶלְעָזָר בֶּן שַׁמּוּעַ, וְרַב אָוִיָּא מוֹסִיף: אַף רַבִּי נְחֶמְיָה;

What did Rabbi **Yehuda ben Bava do? He went and sat between two large mountains, and between two large cities,** and **between two Shabbat boundaries: Between Usha and Shefaram,**[B] i.e., in a desolate place that was not associated with any particular city so that he would not endanger anyone not directly involved, **and there he ordained five Elders,** namely: **Rabbi Meir, and Rabbi Yehuda, and Rabbi Shimon, and Rabbi Yosei, and Rabbi Elazar ben Shammua. And Rav Avya adds** that **Rabbi Neḥemya** was **also** among those ordained.

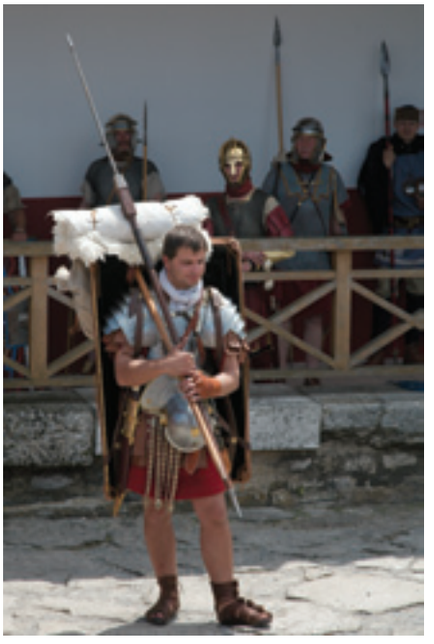
כֵּיוָן שֶׁהִכִּירוּ בָּהֶם אוֹיְבִים, אָמַר לָהֶם: בָּנַי, רוּצוּ! אָמְרוּ לוֹ: רַבִּי, וְאַתָּה מַה תְּהֵא עָלֶיךָ? אָמַר לָהֶם: הֲרֵינִי מוּטָל לִפְנֵיהֶם כְּאֶבֶן שֶׁאֵין לָהּ הוֹפְכִין; אָמְרוּ: לֹא זָזוּ מִשָּׁם עַד שֶׁנַּעֲצוּ לְגוּפוֹ שְׁלֹשׁ מֵאוֹת לוּלְנִיאוֹת שֶׁל בַּרְזֶל וַעֲשָׂאוּהוּ לְגוּפוֹ כִּכְבָרָה!

When their **enemies discovered them,** Rabbi Yehuda ben Bava **said to** the newly ordained rabbis: **My sons, run** for your lives. **They said to him:** Our **teacher, and what will be with you?** Rabbi Yehuda ben Bava was elderly and unable to run. He **said to them:** In any case, **I am cast before them like a stone that cannot be overturned;** even if you attempt to assist me I will not be able to escape due to my frailty, but if you do not escape without me you will also be killed. People **said** about this incident: The Roman soldiers **did not move from there until they had inserted three hundred iron spears** [***lulniot***][L] **into his body, making his body** appear **like a sieve** pierced with many holes. It can be inferred from this episode that there were ordained judges who could hear cases of fines for many years after the destruction of the Temple, in contrast to Rabbi Yitzḥak bar Avdimi's statement.

LANGUAGE

Indeed [*beram*] – **בְּרַם:** This Aramaic word appears in the book of Daniel (see, e.g., 2:28). Although it can have different meanings depending on the context, *beram* usually means however or only. Some maintain that it comes from the same root as *berar*, meaning choose or differentiate, whereas others claim it is a shortened version of *bar min*, which means: Except for.

Spears [*lulniot*] – **לוּלְנִיאוֹת:** From the Greek λόγχη, *lonkhē*, meaning a spear or javelin.

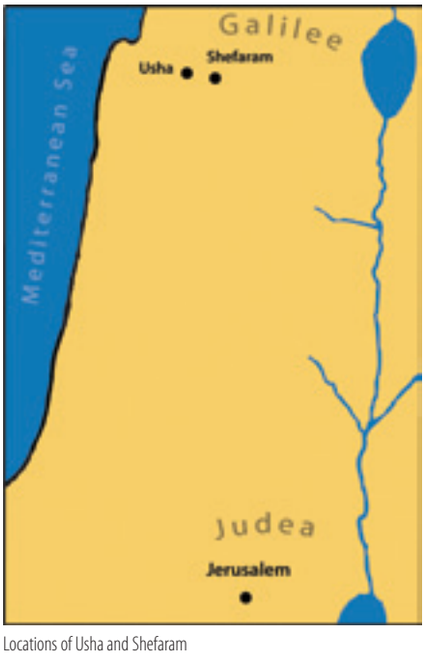


Portrayal of Roman legionary with spear

BACKGROUND

Between Usha and Shefaram – בֵּין אוּשָׁא לִשְׁפַּרְעָם: Usha was a city in the lower Galilee that served for a period of time as a seat of the Sanhedrin. From Usha the Sanhedrin moved to Shefaram, a town in the Zebulun valley of the lower Galilee, in what is now a Christian-Druze village.

These two locations were separated by about three kilometers of mountainous terrain. According to tradition, the cave of Rabbi Yehuda ben Bava is located between these places, near a Greek inscription denoting the Sabbath district of Usha.



Locations of Usha and Shefaram

NOTES

Cases of fines – דִּינֵי קְנָסוֹת: This is referring to all cases where one is liable to pay more than the amount of the damage that he caused, or where Torah law fixes the amount that must be paid. It includes the liability of a thief to pay the double payment, the fourfold or fivefold payment of one who steals and sells a sheep or ox, and the thirty silver coins paid when one's ox gores a Canaanite slave. Only ordained judges may adjudicate these cases. Ordination can be performed only by an ordained judge, and ordination must take place in Eretz Yisrael (see *Sanhedrin* 14a).

PERSONALITIES

Rabbi Yehuda ben Bava – רַבִּי יְהוּדָה בֶּן בָּבָא: Rabbi Yehuda ben Bava was one of the *tanna'im* active during the period between the destruction of the Second Temple and the destruction of the city of Beitar. He began his studies while the Temple was still standing, but was active primarily during the years when the Sanhedrin was located in Yavne. His testimonies and other statements are cited in many sources. Rabbi Yehuda ben Bava was famous for his piety, to such an extent that there is a tradition that whenever it is stated: An incident occurred with a pious person, the reference is either to Rabbi Yehuda ben Bava or Rabbi Yehuda bar Ilai. Based on the various episodes in which he appears, he would have been over the age of ninety when he died.

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אָמַר רַב נַחְמָן בַּר יִצְחָק: לָא תֵּימָא דִּינֵי קְנָסוֹת, אֶלָּא שֶׁלֹּא דָּנוּ דִּינֵי נְפָשׁוֹת.

Rav Naḥman bar Yitzḥak says in explanation: **Do not say** that after the Sanhedrin was exiled from the Chamber of Hewn Stone they no longer judged cases of **fines; rather,** emend the statement to say **that they no** longer **judged** cases of **capital law,** as a court does not have the authority to hear capital cases when the Sanhedrin is not sitting in the Chamber of Hewn Stone.

מַאי טַעְמָא? כֵּיוָן דְּחָזוּ דִּנְפִישִׁי לְהוּ רוֹצְחִין וְלָא יָכְלִי לְמִידַּן, אָמְרוּ: מוּטָב נִגְלֵי מִמָּקוֹם לְמָקוֹם כִּי הֵיכִי דְּלָא לִיחַיְּיבוּ,

The Gemara explains: **What is the reason** that the members of the Sanhedrin ceased to meet in their proper place and thereby ended the adjudication of capital cases? **Once they saw that the murderers were so numerous and they were not able to judge** them and punish them with death, **they said:** It is **better that we should be exiled** from the Chamber of Hewn Stone and move **from place to place, so that** offenders **will not be** deemed **liable** to receive the death penalty in a time period when the court does not carry out their sentences.

דִּכְתִיב: ״וְעָשִׂיתָ עַל פִּי הַדָּבָר אֲשֶׁר יַגִּידוּ לְךָ מִן הַמָּקוֹם הַהוּא״, מְלַמֵּד שֶׁהַמָּקוֹם גּוֹרֵם.

The Gemara explains why a court may not adjudicate capital cases once the Sanhedrin has left the Chamber of Hewn Stone. **As it is written: "And you shall do according to the tenor of the sentence, which they shall declare to you from that place"** (Deuteronomy 17:10). This verse **teaches that** it is **the place** where the Sanhedrin resides that **causes** the judgment to take place. In other words, if the Sanhedrin has abandoned its proper place, the Chamber of Hewn Stone, all courts must cease judging capital cases.

מֵאָה וּשְׁמוֹנִים וְתוּ לָא? וְהָתָנֵי רַבִּי יוֹסֵי בְּרַבִּי:

The Gemara returns to the earlier comment of Rabbi Yishmael in the name of his father Rabbi Yosei ben Ḥalafta, that the Roman Empire ruled over Israel one hundred and eighty years before the second Temple was destroyed. The Gemara asks: Did Rome rule over Israel for **one hundred and eighty** years before the destruction of the Temple **and no more? But didn't Rabbi Yosei the Great,** i.e., Rabbi Yosei ben Ḥalafta himself, **teach:**

Perek **I**
Daf **9** Amud **a**

מַלְכוּת פָּרַס בִּפְנֵי הַבַּיִת שְׁלֹשִׁים וְאַרְבַּע שָׁנָה, מַלְכוּת יָוָן בִּפְנֵי הַבַּיִת מֵאָה וּשְׁמוֹנִים שָׁנָה, מַלְכוּת חַשְׁמוֹנַאי בִּפְנֵי הַבַּיִת מֵאָה וְשָׁלֹשׁ, מַלְכוּת בֵּית הוֹרְדוֹס מֵאָה וְשָׁלֹשׁ, מִכָּאן וְאֵילָךְ צֵא וַחֲשׁוֹב כַּמָּה שָׁנִים אַחַר חוּרְבַּן הַבַּיִת;

The Persian Empire,[B] which ruled the world before the construction of the Temple, continued to do so for **34 years in the presence of the Temple,** i.e., after the Temple was built; **the Greek Empire** ruled for **180 years in the presence of the Temple; the Hasmonean dynasty** ruled for **103** years **in the presence of the Temple;** and **the Herodian dynasty** likewise ruled for **103** years. **From this** point **forward,** you can **go and calculate** the date on which an event occurred by **how many years** it happened **after the destruction of the Temple.**

אַלְמָא מָאתָן וְשִׁית הָווּ, וְאַתְּ אָמַרְתְּ: מֵאָה וּשְׁמוֹנִים הָווּ! אֶלָּא עֶשְׂרִין וְשִׁית שְׁנִין קָמוּ בְּהֵימָנוּתַיְיהוּ בַּהֲדֵי יִשְׂרָאֵל וְלָא אִישְׁתַּעְבְּדוּ בְּהוּ, וְאַמְטוּ לְהָכִי לָא קָא חָשֵׁיב לְהוּ כְּשָׁפְשְׁטָה מַלְכוּת הָרְשָׁעָה עַל יִשְׂרָאֵל.

According to this statement of Rabbi Yosei, **evidently** when the Greek rule over the Jewish people ended and the Roman rule began **it was 206** years before the Second Temple was destroyed, i.e., the two sets of one hundred and three years of the Hasmonean dynasty and the Herodian dynasty. **But you said** that when the Roman Empire stretched forth over Israel and ruled over them **it was 180** years before the Temple was destroyed. This is not a contradiction, but **rather,** it proves that for **26 years** the Romans **stood faithfully with the Jewish people,** honoring their agreement, **and did not subjugate them. And therefore,** Rabbi Yishmael, son of Rabbi Yosei, **does not count these** 26 years among the total years in **which the evil** Roman **Empire stretched forth over Israel** and ruled over them.

BACKGROUND

Persian Empire – מַלְכוּת פָּרַס: This count raises various problems, compounded with the general difficulty that it is not clear when each count begins, as no specific event is provided to mark the beginning of each reign. With regard to the dates of the Hasmonean rule, it apparently is considered to have lasted until the end of the reign of Queen Salome in the year 67 BCE, after which her sons Hyrcanus and Aristobulus waged a civil war over the throne.

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BACKGROUND

Add to the number – נִיטְפֵי עֲלַיְיהוּ: Scribes would calculate the dates they wrote on documents based on the number of years that had passed from the year 3448 of the Hebrew calendar. Conversely, the system of dating based on the destruction of the Temple started from the year 3828. If the hundreds are disregarded in both dates, the difference between the two dates is twenty years. Consequently, without regard for the century, any date from the destruction would be twenty years before the year used by the scribes.

If a scribe forgot – אִי טָעֵי סָפְרָא: Scribes sometimes used a different system of dating, one that was based on the ruler of the kingdom in power. So although scribes continually wrote documents, it was possible that they would forget the date.

The school of Eliyahu taught [*Tanna deVei Eliyahu*] – תָּנָא דְּבֵי אֵלִיָּהוּ: In many places in the Talmud and the midrash, Elijah the prophet appears to people, especially to Sages, and resolves their dilemmas. The Bible indicates Elijah did not die (I Kings 2:11), and tradition holds that he continues to serve as an emissary of God, at times manifesting himself as an angel of the covenant and at times as a person who alleviates problems in the world.

There is a book of midrash named *Tanna deVei Eliyahu* or *Seder Eliyahu Rabba*, and a separate one named *Seder Eliyahu Zuta*. It is stated in the Talmud (*Ketubot* 110a) that Elijah revealed many points of *halakha* and *aggada* in these books to Rav Anan.

There are those who believe that *Tanna deVei Eliyahu* and the school of Eliyahu are not references to Elijah the prophet; rather, they are named for one of the *tanna'im* who lived during the Second Temple period (*Sefer Be'er Sheva*). According to that opinion, *Tanna deVei Eliyahu*, especially those sections where Eliyahu tells of his work and conversations with others, are merely statements of that *tanna*. Certain variants of the Rambam's writings support this claim.

LANGUAGE

His number [*ḥumreih*] – חוּמְרֵיהּ: Probably from the Middle Iranian ahmār, meaning number or reckoning. Here the word has an Aramaic form similar to the Aramaic word *ḥumra*.

אֲמַר רַב פַּפָּא: אִי טָעֵי הַאי תַּנָּא וְלָא יָדַע פִּרְטֵי כַּמָּה הֲוָה – לֵישַׁיְילֵיהּ לְסָפְרָא כַּמָּה כָּתֵיב, וְנִיטְפֵי עֲלַיְיהוּ עֶשְׂרִין שְׁנִין, וּמַשְׁכַּח לֵיהּ לְחוּמְרֵיהּ, וְסִימָנֵיךְ: "זֶה לִי עֶשְׂרִים שָׁנָה אָנֹכִי בְּבֵיתֶךָ";

§ Apropos the above *baraita*, the Gemara relates that **Rav Pappa said: If this *tanna*,** i.e., one who dates years in reference to the destruction of the Temple, **forgot and did not know the details** of the date with regard to exactly **how much** time had passed since the destruction of the Temple, e.g., he remembered the century but could not recall the exact decade and year, **let him ask a scribe**[N] who writes official documents **how many** years **he writes** when he dates the documents. The dating system of scribes uses as its starting point the beginning of the Greek rule, 380 years before the destruction of the Temple. **And let him add 20 years to** the number,[B] **and** in this manner **he** will **find his number** [***leḥumreih***].[L] **And your mnemonic** to remember this is the verse: "**These twenty years have I been in your house**" (Genesis 31:41).

אִי טָעֵי סָפְרָא – נְשַׁיְילֵיהּ לְתַנָּא כַּמָּה חָשֵׁיב, וְנִבְצַר מִינַּיְיהוּ עֶשְׂרִין שְׁנִין, וּמַשְׁכַּח לֵיהּ לְחוּמְרֵיהּ, וְסִימָנֵיךְ: סָפְרָא בְּצִירָא, תַּנָּא תּוֹסְפָאָה.

Similarly, **if a scribe forgot**[B] the exact year, **let him ask** the ***tanna*** **how much** time **he calculates** has passed since the Temple's destruction, **and he should deduct from** the number **twenty years, and** in this manner **he** will **find his number. And your mnemonic** to remember that the *tanna* adds twenty to the date of the scribe, whereas the scribe deducts twenty from the number of the *tanna*, is as follows: **A scribe deducts,**[N] while **a *tanna* adds on** [***tosfa'a***]. This is a play on the phrase *tanna tosfa'a*, which also means to teach the *Tosefta*, the practice of a *tanna*.

תָּנָא דְּבֵי אֵלִיָּהוּ: שִׁשָּׁת אֲלָפִים שָׁנָה הָוֵי הָעוֹלָם, שְׁנֵי אַלְפִים תֹּהוּ, שְׁנֵי אַלְפִים תּוֹרָה, שְׁנֵי אַלְפִים יְמוֹת הַמָּשִׁיחַ, בַּעֲוֹנוֹתֵינוּ שֶׁרַבּוּ יָצְאוּ מֵהֶן מַה שֶּׁיָּצְאוּ מֵהֶן.

In relation to the discussion on the calculation of years, the Gemara states that one of the Sages **of the school of Eliyahu taught:**[B] **The world is** destined to exist for **six thousand**[N] **years.** For **two thousand years** the world was **waste,** as the Torah had not yet been given. The next set of **two thousand years** are the time period of the **Torah.** The last set of **two thousand years** are the period designated for **the days of the Messiah,** but **due to our many sins** there are **those** years **that have been taken from them,** i.e., such and such years have already passed and **have been taken from** the two thousand years that are designated for the Messiah, and the Messiah has not yet arrived. Whenever a *tanna* taught this *baraita*, he would insert the number of years that was correct for his time.

שְׁנֵי אַלְפִים תּוֹרָה מֵאֵימַת? אִי נֵימָא מִמַּתַּן תּוֹרָה עַד הָשְׁתָּא – לֵיכָּא כּוּלֵּי הַאי, דְּכִי מְעַיְּינַתְּ בְּהוּ, תְּרֵי אַלְפֵי פְּרָטֵי דְּהַאי אַלְפָא הוּא דַּהֲוֹאי!

The Gemara asks: With regard to the **two thousand years** of the time period of the **Torah, from when** are they counted? **If we say** that they started **from the giving of the Torah**[N] **until now,** then **there is not** enough time for **all of these** years. **As, when you examine** the calculations, it is evident that from the creation of the world until the giving of the Torah **there were two thousand** years plus **a part of this** third **thousand,** as the Torah was given 2,448 years after the creation of the world. This would mean that the time period of the Torah encroaches upon the days of the Messiah.

NOTES

Let him ask a scribe – לֵישַׁיְילֵיהּ לְסָפְרָא: Scribes used a dating system whose starting point was the beginning of the Greek rule, 380 years before the destruction of the Temple. Although the *baraita* cited earlier in the Gemara apparently dates that event six years earlier, as it states that the Greek Empire ruled for 180 years, followed by 206 years of Hasmonean and Herodian rule, this is not a difficulty, as the discrepancy is due to the period when the Greeks ruled only in Elam (see 10a).

A practical application of Rav Pappa's advice is as follows: If, for example, according to the calculations of the scribes the year is 652, then the *tanna*, who is aware that it is the third century after the destruction of the Temple, should add twenty years to the scribe's calculation of 652, and correct for the century, indicating that it is 272 years after the destruction of the Temple.

A scribe deducts – סָפְרָא בְּצִירָא: Scribes deduct, or minimize, as they are known to write concisely when composing official documents, using various abbreviations to save time.

Six thousand, etc. – שִׁשָּׁת אֲלָפִים וכו': The six thousand years correspond to the six days of the week, as in the verse: "For a thousand years are in Your sight as but a day that passed" (Psalms 90:4). The seventh millennium corresponds to Shabbat, the day of rest, and is likewise the time of rest of the World-to-Come (Rashi).

From the giving of the Torah – מִמַּתַּן תּוֹרָה: The version of the text here is the one accepted by Rashi. According to the version held by most early commentaries, the Gemara includes two refutations of the possibility that the two-thousand-year time of the Torah is counted from the giving of the Torah, and the refutation that appears here is the second one. The first refutation is that if this time period is calculated from the giving of the Torah, then the two thousand years would not have ended when the Gemara was written in the period of Rav Ashi, who according to Rav Sherira Gaon died 4,186 years after the creation of the world, and it certainly had not ended by the earlier date, when the *tanna* of the school of Eliyahu initially taught the *baraita* (*Tosefot HaRash*; Ritva).

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אֶלָּא מ״וְאֵת הַנֶּפֶשׁ אֲשֶׁר עָשׂוּ בְחָרָן״, וּגְמִירִי, דְּאַבְרָהָם בְּהַהִיא שַׁעְתָּא בַּר חַמְשִׁין וְתַרְתֵּי הֲוָה;

Rather, the two-thousand-year time period of the Torah is counted **from** the time when it is stated about Abraham and Sarah: **"And the souls that they had gotten in Haran"** (Genesis 12:5), which is interpreted by the Sages as referring to the men and women who were brought closer to the Torah by Abraham and Sarah. Therefore, it was at this point that the Torah began to spread throughout the world. **And it is learned** as a tradition **that at that time Abraham was fifty-two** years old.

כַּמָּה בְּצָרָן מִדְּתָנֵי תַּנָּא? אַרְבַּע מְאָה וְאַרְבָּעִים וּתְמָנְיָא שְׁנִין הָווֹ, כִּי מְעַיְּינַתְּ בֵּיהּ מֵ״הַנֶּפֶשׁ אֲשֶׁר עָשׂוּ בְחָרָן״ עַד מַתַּן תּוֹרָה, אַרְבַּע מְאָה וְאַרְבָּעִים וּתְמָנְיָא שְׁנִין הָווֹ.

How many years are **missing from** the two thousand year period of the Messiah, if the period of the Torah **that is taught by the *tanna*** is counted from the giving of the Torah? **There are 448** missing **years. When you examine** the calculation **from** the time when it is stated about Abraham and Sarah: **"The souls that they had gotten in Haran," until** the time of **the giving of the Torah, there are 448 years.**

אֲמַר רַב פַּפָּא: אִי טָעֵי תַּנָּא וְלָא יָדַע פִּרְסֵיהּ כַּמָּה הָווּ, לִישַׁיְּילֵיהּ לְסָפְרָא כַּמָּה כָּתִיב, וְנִיטְפֵּי עֲלַיְּיהוּ אַרְבְּעִין וּתְמָנֵי, וּמַשְׁכַּח לֵיהּ לְחוּמְרֵיהּ, וְסִימָנֵיךְ:

With regard to this *baraita* as well, **Rav Pappa said: If a *tanna*** meant to state that at his time such and such years were already lost from the two thousand years that are designated for the days of the Messiah, but he **forgot and did not know the details** of exactly **how much** time had passed, **let him ask a scribe how many** years **he writes** when he dates documents. **And let him add forty-eight to** the number,[N] correcting for the century, **and** in this manner **he** will **find his number. And your mnemonic** for this is the verse:

NOTES

Let him add forty-eight to the number – נִיטְפֵּי עֲלַיְּיהוּ אַרְבְּעִין וּתְמָנֵי: The 2,000 years of the time period of the Torah, concluding in the year 4,000 from the creation of the world, ends 172 years after the destruction of the Temple; see Rashi's calculation, citing *Seder Olam*. When one adds to 172 the 380 years of the scribal count that covers the years preceding the destruction of the Temple, the difference between the two dating systems is 552. Therefore, in order to ascertain the decade and year, the *tanna* should add 48 to bring the number to 600.

Perek **I**
Daf **9** Amud **b**

״אַרְבָּעִים וּשְׁמֹנָה עִיר״; וְאִי טָעֵי סָפְרָא – נְשַׁיְּילֵיהּ לְתַנָּא כַּמָּה קָתָנֵי, וְנִיבְצַר מִינַּייהוּ אַרְבָּעִים וּשְׁמוֹנָה, וּמַשְׁכַּח לֵיהּ לְחוּמְרֵיהּ, וְסִימָנֵיךְ: סָפְרָא בְּצִירָא, תַּנָּא תּוֹסָפָאָה.

"Forty-eight cities" (Numbers 35:7). Similarly, **if a scribe forgot**[N] the exact year, **let him ask the *tanna* how many** years does **he teach** have already been lost from the two thousand years that are designated for the days of the Messiah. **And he should deduct forty-eight** years **from** the number, correcting for the century, **and** in this manner **he** will **find his number. And your mnemonic** to remember that the *tanna* must add to the date of the scribe, while the scribe must deduct from the number of the *tanna*, is again: **A scribe deducts,** while **a *tanna* adds on** [***tosfa'a***].

NOTES

If a scribe forgot, etc. – אִי טָעֵי סָפְרָא וכו': For example, if according to the dating of the *tanna* the year is 5,356, the scribe should deduct forty-eight from fifty-six, leaving eight. Since it is assumed that the scribe is aware of the century, he can calculate that the year is 708 according to the scribal dating system.

BACKGROUND

Seven-year Sabbatical cycle [*shavua*] – שָׁבוּעַ: The Sabbatical Year is the final year of the seven-year Sabbatical cycle. The first such cycle began after the conquest of Eretz Yisrael by Joshua. The *halakhot* of the Sabbatical Year are by Torah law (see, e.g., Leviticus 25:1–7). Nevertheless, as most authorities maintain that the conditions enabling the performance of the mitzva by Torah law do not currently exist, present-day observance of the Sabbatical Year is by rabbinic law. Note that when used in the Talmud, the term *shavua*, which means week in modern Hebrew, usually refers to the seven-year period ending with the Sabbatical Year.

אָמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: הַאי מַאן דְּלָא יָדַע כַּמָּה שְׁנֵי בַּשָּׁבוּעַ הוּא עָיְּמֵד – נִיטְפֵּי חַד שִׁתָּא, וְנַחֲשׁוֹב כְּלָלֵי בְּיוּבְלֵי וּפְרָטֵי בְּשָׁבוּעֵי,

§ **Rav Huna, son of Rav Yehoshua, says:** In the case of **one who does not know**[H] **which year of** the seven-year **Sabbatical** cycle[B] **he stands** in, **he should add one year** to the years that have passed since the destruction of the Temple in order to begin at the start of a Sabbatical cycle. **And he should calculate the general** years, i.e., the centuries, **as Jubilee** cycles, as every Jubilee concludes seven completed Sabbatical cycles of forty-nine years, **and the details as Sabbatical** cycles, i.e., he should divide the remaining years into seven-year Sabbatical cycles.

HALAKHA

One who does not know, etc. – הַאי מַאן דְּלָא יָדַע וכו': The *ge'onim* state that they received as a direct oral tradition that in the period after the destruction of the First Temple and before the rebuilding of the Second Temple, Sabbatical cycles were counted without setting aside Jubilee Years that would interrupt the count. Similarly, after the destruction of the Second Temple, Sabbatical cycles were counted consecutively, without a fiftieth year for the Jubilee. This is in accordance with the statement of Rav Huna, son of Rav Yehoshua (*Kesef Mishne*). The correct year for the Sabbatical Year was known to the *ge'onim* and to the residents of Eretz Yisrael, and it was calculated from the year of the destruction of the Temple, in contradiction to the version of the text here, which indicates that the Sabbatical cycle should be calculated from the year preceding the destruction of the Second Temple (Mahari Kurkus). This calculation is accepted by the Jewish people, and is used with regard to the *halakhot* of tithes, the Sabbatical Year, and the abrogation of monetary debts (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 10:5; *Shulḥan Arukh*, *Ḥoshen Mishpat* 67:1).

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וְנִשְׁקַל מִמְּאָה תְּרֵי וְנִשְׁדֵּי אַפְּרָטֵי, וְנַחְשׁוֹבִינְהוּ לִפְרָטֵי בְּשִׁבּוּעֵי, וְיָדַע כַּמָּה שְׁנֵי בַּשָּׁבוּעַ, וְסִימָנֵיךְ: "כִּי זֶה שְׁנָתַיִם הָרָעָב בְּקֶרֶב הָאָרֶץ".

But as the Jubilee Year itself is counted as one year of a Sabbatical cycle, **he should take, from** every **hundred** years that passed, **two** years,[N] **and add it to the details,** i.e., the remaining decades and single years. **And** then **he should calculate** with **the details** by dividing them **into Sabbatical** cycles. **And** from the remainder **he will know**[N] **how many years in the** current **Sabbatical** cycle have passed. **And your mnemonic** that two years must be deducted from every century is the following verse: **"For these two years the famine has been in the land"** (Genesis 45:6).

אָמַר רַבִּי חֲנִינָא: אַחַר אַרְבַּע מֵאוֹת לְחוּרְבַּן הַבַּיִת, אִם יֹאמַר לְךָ אָדָם: קַח שָׂדֶה שָׁוֶה אֶלֶף דִּינָרִים בְּדִינָר אֶחָד – לֹא תִּקַּח. בְּמַתְנִיתָא תָּנָא: אַחַר אַרְבַּעַת אֲלָפִים וּמָאתַיִם וּשְׁלֹשִׁים וְאַחַת שָׁנָה לִבְרִיאַת עוֹלָם, אִם יֹאמַר לְךָ אָדָם: קַח לְךָ שָׂדֶה שָׁוֶה אֶלֶף דִּינָרִים בְּדִינָר אֶחָד – אַל תִּקַּח. מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ תְּלַת שְׁנִין, דְּמַתְנִיתָא טָפְיָא תְּלַת שְׁנֵי.

Rabbi Ḥanina says: After the year **400 from the destruction of the Temple, if a person says to you: Purchase a field** that is **worth one thousand dinars for one dinar, do not purchase** it.[N] It is not a worthwhile investment, as the redemption will soon come and all fields will revert to their original owners. It **was taught in a *baraita*: After** the year **4,231 from the creation of the world, if a person says to you: Purchase a field** that is **worth one thousand dinars for one dinar, do not purchase** it. The Gemara asks: **What is** the difference **between** these two dates? The Gemara answers: There **is** a difference **between them** of **three years, as the *baraita* adds three years.** The year 400 from the destruction of the Temple corresponds to the year 4,228 from the creation of the world.

הַהוּא שְׁטָרָא דַּהֲוָה כְּתִיב בֵּיהּ

§ The Gemara relates: There was **a certain** promissory **note in which was written**

NOTES

He should take from every hundred years that passed two years – נִשְׁקַל מִמְּאָה תְּרֵי: There is a tannaitic dispute with regard to the Jubilee Year. According to the Rabbis, the Jubilee Year comes after seven Sabbatical cycles, or forty-nine years, so that the Jubilee is the fiftieth year. Following the Jubilee Year, the Sabbatical cycle begins again. Rabbi Yehuda holds that the Jubilee Year, which follows the seventh Sabbatical Year, does not interrupt the Sabbatical cycle and is itself the first year of the next Sabbatical cycle. According to this opinion, every one hundred years includes fourteen complete Sabbatical cycles, which take ninety-eight years, and an additional two years. The Gemara here is in accordance with the opinion of Rabbi Yehuda, and therefore it is necessary to set aside two years for every one hundred years that have passed and add them to the decades and single-digit years that one divides into Sabbatical cycles.

And he will know, etc. – וְיָדַע וכו': For example, in the year 1930 after the destruction of the Temple one would add one year, and then after excluding the number of centuries, the number thirty-one remains. Two years are then taken from every century, amounting in this case to thirty-eight years, and they are added to the remaining years, resulting in the figure sixty-nine. When this number is divided by seven, there is a remainder of six, indicating that the year 1930 is the sixth year of the Sabbatical cycle.

Do not purchase it – לֹא תִּקַּח: Rashi explains that as this date is designated as the time of redemption, it is not worthwhile for one to purchase land during this time, because the land will soon revert to its original owner. Others maintain that this date is designated as either a time of overabundant goodness or a time of calamity, if the redemption does not occur due to the sins of the Jewish people. According to this interpretation, it is not wise to purchase land during a time of such great danger (Ritva). Others state likewise that these years, around four hundred years after the destruction of the Temple, were a time of great religious persecution for the Jewish people (Rid, citing one of the *ge'onim*).

Perek **I**
Daf **10** Amud **a**

שִׁית שְׁנִין יְתֵירְתָּא, סְבוּר רַבָּנַן קַמַּיְיהוּ דְּרַבָּה לְמֵימַר: הַאי שְׁטָר מְאוּחָר הוּא, נֵיעַכְּבֵיהּ עַד דְּמָטְיָא זְמַנֵּיהּ, וְלָא טָרְיף. אֲמַר רַב נַחְמָן: הַאי סָפְרָא דְּוָקָנָא כְּתַבֵיהּ, וְהָנָךְ שִׁית שְׁנִין דְּמַלְכוּ בְּעֵילָם דַּאֲנַן לָא חָשְׁבִינַן לְהוּ, הוּא קָחָשֵׁיב לֵיהּ, וּבְזִמְנֵיהּ כְּתַבֵיהּ;

a date that had **six additional years** relative to the correct scribal date, which takes for its starting point the beginning of Greek rule. **The Sages** who studied **before Rabba thought to say: This is a postdated** promissory **note,**[N] which can be used only from the date it specifies. Therefore, **let us hold it until its time arrives** so that the creditor **will not repossess** property that the debtor bought prior to the date that appears in the note. **Rav Naḥman** disagreed and **said: This** promissory note **was written by an exacting scribe, and those six years** are referring to the years **when** the Greeks **ruled** only **in Elam. We do not count them,** as Greek rule had not yet spread throughout the world, but **he does count them. And** therefore **he wrote in** the promissory note the correct **time,** as the date does in fact match the year in which the promissory note was written.

NOTES

This is a postdated promissory note – הַאי שְׁטָר מְאוּחָר הוּא: A postdated promissory note is one whose date is later than when the loan was granted. In light of the *halakha* that a creditor can seize property in payment of the debt only if that property was owned by the borrower at the time of the loan, writing a postdated promissory note enables the borrower to sell his land for several years to come without the buyers having to fear that the creditor will seize the land from them in payment of this loan.

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דְּתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: שֵׁשׁ שָׁנִים מָלְכוּ בְּעֵילָם, וְאַחַר כָּךְ פָּשְׁטָה מַלְכוּתָן בְּכָל הָעוֹלָם כּוּלּוֹ.

Rav Naḥman cites a proof for his resolution: **As it is taught** in a *baraita* that **Rabbi Yosei says:** The Greeks **ruled for six years in Elam**[B] alone, **and afterward their dominion spread throughout the entire world.** It is the later event that serves as the basis for the dating system used by most scribes.

מַתְקִיף לָהּ רַב אַחָא בַּר יַעֲקֹב: מִמַּאי דִּלְמַלְכוּת יְוָנִים מָנִינַן? דִּלְמָא לִיצִיאַת מִצְרַיִם מָנִינַן, וּשְׁבַקֵיהּ לְאַלְפָא קַמָּא וְנַקְטֵיהּ אַלְפָא בַּתְרָא, וְהַאי מְאוּחָר הוּא! אֲמַר רַב נַחְמָן: בְּגוֹלָה אֵין מוֹנִין אֶלָּא לְמַלְכֵי יְוָנִים בִּלְבַד.

Rav Aḥa bar Ya'akov objects to Rav Naḥman's answer: **From where** is it known **that we count** years according **to** the **Greek rule,** and that this promissory note was dated according to a system that uses the Greek rule as a starting point and was written by an exacting scribe? **Perhaps we count** the years using **the exodus from Egypt**[B] as the starting point, which occurred one thousand years before the start of the Greek rule, **and** in this case the scribe **left** out **the first thousand years** from the time of the exodus **and held on** only **to the last thousand years,** omitting the thousands digit and writing merely the hundreds, tens, and single digits. **And** if so, **this** promissory note **is postdated. Rav Naḥman said** in response: The practice is that **in the exile we count** years **only** according **to the Greek kings.**

הוּא סָבַר: דַּחוּיֵי קָא מַדְחֵי לֵיהּ; נָפַק דַּק וְאַשְׁכַּח, דְּתַנְיָא: בַּגּוֹלָה אֵין מוֹנִין אֶלָּא לְמַלְכֵי יְוָנִים בִּלְבַד.

Upon hearing this reply, Rav Aḥa bar Ya'akov **thought:** Rav Naḥman **is** merely **deflecting** my legitimate questions with this answer. Afterward, **he went out, examined** the matter, **and discovered** that it was as Rav Naḥman said. **As it is taught** in a *baraita*: **In the exile we count** years **only** according **to the Greek kings.**

אֲמַר רָבִינָא: מַתְנִיתִין נַמִּי דַּיְקָא, דְּתָנַן: בְּאֶחָד בְּנִיסָן רֹאשׁ הַשָּׁנָה לִמְלָכִים וְלִרְגָלִים, וְאָמְרִינַן: לִמְלָכִים – לְמַאי הִלְכְתָא? אֲמַר רַב חִסְדָּא: לִשְׁטָרוֹת;

Ravina said: The mishna is also precisely formulated, as it teaches that we calculate years according to the Greek kings. **As we learned** in a mishna (*Rosh HaShana* 2a): **On the first of Nisan is the New Year for kings and for the Festivals. And we say** about this: **With regard to what *halakha*** is it stated that the first of Nisan is the New Year **for kings? Rav Ḥisda said:** It is said **with regard to** dating **documents** and determining their validity.

וְתָנַן: בְּאֶחָד בְּתִשְׁרֵי רֹאשׁ הַשָּׁנָה לִשְׁנִים וְלִשְׁמִיטִּין, וְאָמְרִינַן: לִשְׁנִים – לְמַאי הִלְכְתָא? אֲמַר רַב חִסְדָּא: לִשְׁטָרוֹת; קַשְׁיָא שְׁטָרוֹת אַהֲדָדֵי!

And we learned in the same mishna: **On the first of Tishrei is the New Year for** counting **years and for** calculating **Sabbatical** cycles. **And we say: With regard to what *halakha*** is it stated that the first of Tishrei is the New Year **for** counting **years? And Rav Ḥisda said:** It is said **with regard to** dating **documents.** These two statements with regard to the dating of **documents** are **difficult** in light of **each other,** as according to one statement the dating system is based on Nisan as the first month, whereas according to the other the year begins in Tishrei.

וּמְשַׁנְּינַן: כָּאן לְמַלְכֵי יִשְׂרָאֵל כָּאן לְמַלְכֵי אוּמּוֹת הָעוֹלָם, לְמַלְכֵי אוּמּוֹת הָעוֹלָם מִתִּשְׁרֵי מָנִינַן, לְמַלְכֵי יִשְׂרָאֵל מִנִּיסָן מָנִינַן;

And we resolved the contradiction by explaining that **here** the dating is according **to kings of Israel,** and **there** the dating is according **to the kings of the** gentile **nations of the world.** That is, when we date years according **to the kings of the nations of the world, we count from** the month of **Tishrei,** whereas when we date years according **to the kings of Israel, we count from** the month of **Nisan.**

וַאֲנַן הָשְׁתָּא מִתִּשְׁרֵי מָנִינַן, וְאִי סָלְקָא דַּעְתָּךְ לִיצִיאַת מִצְרַיִם מָנִינַן, מִנִּיסָן בָּעֵינַן לְמִימְנֵי! אֶלָּא לָאו שְׁמַע מִינָּהּ: לְמַלְכֵי יְוָנִים מָנִינַן, שְׁמַע מִינָּהּ.

Ravina explains his proof: **And now** that **we count from** the month of **Tishrei** when dating documents, one can claim as follows: **If it enters your mind** that **we count** and date years using **the exodus from Egypt** as the starting point, while leaving off the first thousand years, then **we should count from** the month of **Nisan,** when the exodus occurred. **Rather, isn't it** correct to **conclude from** the mishna that **we count** years according **to the Greek kings?** The Gemara affirms: **Conclude from it** that the scribal years are in fact calculated according to the Greek kings. Therefore, one should explain as did Rav Naḥman: A promissory note that appears to be postdated by six years may not actually be a postdated promissory note; rather, it is assumed to have been written by an exacting scribe.

BACKGROUND

Greeks ruled for six years in Elam – שֵׁשׁ שָׁנִים מָלְכוּ בְּעֵילָם: The dating of years according to the Greek kings is referring to the system used by the Seleucid kings. Their enumeration starts with the year in which Seleucus I Nicator declared himself the independent ruler of Elam, i.e., Babylonia, 3448 in the Hebrew calendar, or 312 BCE.

Beforehand, Seleucus had ruled over Babylonia for five years, until he was forced to flee. It was only after the failure of Antigonus Monophthalmus's attempt to unite and rule over all of the lands conquered by Alexander the Great that Seleucus managed to return and reign over the province of Babylonia. In time he managed to conquer Iran, Syria, and Asia Minor, rendering the Seleucid Empire the largest expansion ever of Greek rule.

It is therefore possible that there was a different count starting from the year in which Seleucus first secured control over Babylonia, rather than the year of his return.

Bust of Seleucus I Nicator

Perhaps we count years using the exodus from Egypt – דִּלְמָא לִיצִיאַת מִצְרַיִם מָנִינַן: According to the count that dates from the creation of the world, the exodus occurred in the year 2448 since the creation of the world. If this promissory note is dated according to the exodus and simply omits the thousands digit, one cannot say that it uses a later date due to the punctiliousness of the scribe.

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HALAKHA

Day of *geinuseya*, etc. – **יוֹם גֵּינוּסְיָא וכו׳:** The day on which gentiles gather to coronate their king and sacrifice offerings and praise to their gods has the same halakhic status as all other festivals, with regard to prohibitions against engaging in business transactions. This is in accordance with Rav Yehuda's explanation of the term *geinuseya*. The Rambam does not distinguish between the day of the coronation of the king and the day of the coronation of his son (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:5, and see *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 148:6).

״וְיוֹם גֵּינוּסְיָא שֶׁל מַלְכֵיהֶם״ וכו׳. מַאי ״וְיוֹם גֵּינוּסְיָא שֶׁל מַלְכֵיהֶם״? אָמַר רַב יְהוּדָה: יוֹם שֶׁמַּעֲמִידִין בּוֹ גּוֹיִם אֶת מַלְכָּם. וְהָתַנְיָא: יוֹם גֵּינוּסְיָא וְיוֹם שֶׁמַּעֲמִידִין בּוֹ אֶת מַלְכָּם! לָא קַשְׁיָא: הָא דִּידֵיהּ, הָא דְּבַרְיֵהּ.

§ One of the gentile festivals listed in the mishna is **the day of the festival** [*geinuseya*][H] **of their kings.** The Gemara asks: **What is** meant by: **The day of *geinuseya* of their kings? Rav Yehuda says:** This is referring to the **day on which the gentiles appoint** and crown **their king.** The Gemara asks: **But isn't it taught** in a *baraita*: Two gentile festivals are **the day of *geinuseya* and** the **day on which the gentiles appoint their king?** This indicates that these are two separate occasions. The Gemara answers that it is **not difficult: This,** the day of *geinuseya*, is referring to the coronation of the king **himself,** whereas **that,** the day on which the gentiles appoint and crown their king, is referring to the coronation **of his son,** when a son is crowned during his father's lifetime.

וּמִי מוֹקְמִי מַלְכָּא בַּר מַלְכָּא? וְהָתָנֵי רַב יוֹסֵף: ״הִנֵּה קָטֹן נְתַתִּיךָ בַּגּוֹיִם״ – שֶׁאֵין מוֹשִׁיבִין מֶלֶךְ בֶּן מֶלֶךְ, ״בָּזוּי אַתָּה מְאֹד״ – שֶׁאֵין לָהֶן לֹא כְּתָב וְלֹא לָשׁוֹן! אֶלָּא מַאי יוֹם גֵּינוּסְיָא? יוֹם הַלֵּידָה.

The Gemara asks: **And do** the Romans actually **appoint** as **king the son of the king? But didn't Rav Yosef teach:** The verse relating a prophesy about Edom, associated with the Roman Empire: "**Behold, I made you small among the nations**" (Obadiah 1:2), is a reference to the fact **that** the Romans **do not place** on the throne as **king the son of the king.**[B] The continuation of the verse: "**You are greatly despised,**" is a reference to the fact **that** the Romans **have neither** their own **script**[B] **nor** their own **language,**[N] but use those of other nations. The Gemara therefore rejects the explanation of the *baraita* that distinguishes between coronation of a king and coronation of the king's son: **Rather, what is the day of *geinuseya*?** It is **the** king's **birthday.**

וְהָתַנְיָא: יוֹם גֵּינוּסְיָא וְיוֹם הַלֵּידָה! לָא קַשְׁיָא: הָא דִּידֵיהּ, הָא דְּבַרְיֵהּ.

The Gemara asks: **But isn't it taught** in a *baraita*: Two gentile festivals are **the day of *geinuseya* and the birthday.** Once again, these two events cannot be the same. The Gemara answers: It is **not difficult: This,** the day of *geinuseya*, is referring to the birthday of the king **himself,** whereas **that,** the birthday mentioned in the *baraita*, is referring to the birthday **of his son.**

וְהָתַנְיָא: יוֹם גֵּינוּסְיָא שֶׁלּוֹ, יוֹם גֵּינוּסְיָא שֶׁל בְּנוֹ, וְיוֹם הַלֵּידָה שֶׁלּוֹ וְיוֹם הַלֵּידָה שֶׁל בְּנוֹ! אֶלָּא מַאי יוֹם גֵּינוּסְיָא? יוֹם שֶׁמַּעֲמִידִין בּוֹ מַלְכָּם, וְלָא קַשְׁיָא: הָא דִּידֵיהּ, הָא דְּבַרְיֵהּ;

The Gemara further asks: **But isn't it taught** in a *baraita*: **The day of *geinuseya* of** the king, **the day of *geinuseya* of his son, and** the king's **birthday and the birthday of his son?** If so, the *geinuseya* cannot be either his or his son's birthday. **Rather, what** is meant by the **day of *geinuseya*?** In fact it is referring to the **day on which** the gentiles **appoint** and crown **their king. And** the fact that a *baraita* mentions both the day of *geinuseya* and the day on which the gentiles appoint and crown their king is **not difficult,** as **this,** the day of *geinuseya*, is referring to **his** own coronation, whereas **that,** the day on which the gentiles appoint and crown their king, is referring to the coronation **of his son.**

BACKGROUND

Romans do not place on the throne as king the son of the king – **שֶׁאֵין מוֹשִׁיבִין מֶלֶךְ בֶּן מֶלֶךְ:** The reign of the emperor Nerva, 96–98 BCE, began the era of the so-called adoptive emperors, most of whom were not the sons of the preceding emperor when they ascended to power but had been adopted by that emperor.

Romans have neither their own script, etc. – **שֶׁאֵין לָהֶן לֹא כְּתָב וכו׳:** The Romans were a relatively new nation, and their language originated from the language of their close neighbors, the Latins. Their alphabet was also taken from another people, as it was a slight variant of the alphabet used by the Etruscans.

NOTES

Romans have neither their own script nor their own language – **שֶׁאֵין לָהֶן לֹא כְּתָב וְלֹא לָשׁוֹן:** The Roman language and alphabet were not created by the Romans, but were taken from other nations (Rashi). Some explain that the criticism does not refer to their spoken language, as many nations borrowed their spoken tongue from other nations. Rather, it pertains to the lack of a cultured language used by the upper class, which is found in every other important civilization (*Tosafot*). Others explain that although historically, nations would adopt languages and scripts that had belonged to deceased civilizations, only the Romans adopted their language and script from nations that still existed in their time. See *Dikdukei Soferim*, who presents an alternative version of Rashi's explanation.

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וְאִי קַשְׁיָא לָךְ, דְּלָא מוֹקְמִי מַלְכָּא בַּר מַלְכָּא – עַל יְדֵי שְׁאֵלָה מוֹקְמִי, כְּגוֹן אַסְוֵירוֹס בַּר אַנְטוֹנִינוֹס דְּמָלַךְ.

And if it is **difficult for you that** which was stated earlier, **that** the Romans **do not appoint** as **king the son of the king,** in fact **they do appoint** a son of the king as king **through the request** of the king.[B] **For example,** there was **Asveirus, son of Antoninus,**[P] **who ruled** at the request of Antoninus.

אֲמַר לֵיהּ אַנְטוֹנִינוֹס לְרַבִּי: בָּעֵינָא דְּיִמְלוֹךְ אַסְוֵירוֹס בְּרִי תְּחוֹתַי וְתִתְעֲבֵיד טִבֶּרְיָא קְלָנְיָא, וְאִי אֵימָא לְהוּ חֲדָא – עָבְדִי, תְּרֵי – לָא עָבְדִי. אַיְיתִי גַּבְרָא, אַרְכְּבֵיהּ אַחַבְרֵיהּ וְיָהֵב לֵיהּ יוֹנָה לְעֵילָּאי בִּידֵיהּ, וַאֲמַר לֵיהּ לְתַתָּאָה: אֵימַר לְעֵילָּא דְּלִמְפָּרַח מִן יְדֵיהּ יוֹנָה. אֲמַר, שְׁמַע מִינָּהּ הָכִי קָאָמַר לִי: אַתְּ בְּעֵי מִינַּיְיהוּ דְּאַסְוֵירוֹס בְּרִי יִמְלוֹךְ תְּחוֹתַי, וְאֵימָא לֵיהּ לְאַסְוֵירוֹס דְּתֵיעֲבֵיד טִבֶּרְיָא קְלָנְיָא.

The Gemara provides the background for this assertion. It is related that **Antoninus said to Rabbi** Yehuda HaNasi:[P] **I wish for Asveirus my son to rule instead of me, and that** the city **Tiberias be released** [*kelaneya*][L] from paying taxes. **And if I tell** the Roman senate **one** of my wishes, **they will do** as I wish, but if I ask for **two** of them **they will not do** as I wish. Rabbi Yehuda HaNasi conveyed his answer in the following manner: **He brought a man, placed him on** the shoulders of **another** man, **and put a dove in the hands of the one on top. And he said to the one on the bottom: Tell the one on top that he should cause the dove to fly from his hands.** Antoninus **said** to himself: **Learn from it** that **this** is what Rabbi Yehuda HaNasi **is saying to me: You** should **ask** the Senate: **Let Asveirus my son rule instead of me, and say to Asveirus that he should release Tiberias** from paying taxes.

אֲמַר לֵיהּ: מְצַעֲרִין לִי חֲשׁוּבֵי רוֹמָאֵי. מְעַיֵּיל לֵיהּ לְגִינְּאָ, כָּל יוֹמָא עֲקַר לֵיהּ פּוּגְלָא מִמִּשְׁרָא קַמֵּיהּ. אֲמַר, שְׁמַע מִינָּהּ הָכִי קָאָמַר לִי: אַתְּ בְּעֵי מִינַּיְיהוּ קְטוֹל חַד חַד מִינַּיְיהוּ, וְלָא תִּתְגָּרֵי בְּהוּ בְּכוּלְּהוּ.

Antoninus also **said to** Rabbi Yehuda HaNasi: **Important Romans are upsetting me;** what can I do about them? Rabbi Yehuda HaNasi **brought him to** his **garden,** and **every day he uprooted a radish from the garden bed before him.** Antoninus **said** to himself: **Learn from it** that **this** is what Rabbi Yehuda HaNasi **is saying to me: You** should **kill them one** by **one, and do not incite all of them** at once.

BACKGROUND

Through the request of the king – עַל יְדֵי שְׁאֵלָה מוֹקְמִי: Even during the period when the sons of the emperors generally did not succeed their fathers, in a few exceptional cases this did occur. In these situations the fathers required the support of the Roman Senate and army in order to place their sons in power. One emperor appointed in this way was Commodus, who ruled 180–192 CE and was appointed Caesar after his father, Marcus Aurelius, who ruled 161–180.

Bust of Marcus Aurelius

LANGUAGE

Released [*kelaneya*] – קְלָנְיָא: From the Latin colonia, meaning settlement, usually in reference to a settlement of discharged Roman soldiers. A city designated as a colonia had special privileges not enjoyed by ordinary settlements, e.g., an exemption from taxes. Consequently, the term *kelaneya* became synonymous with freedom. The city of Tiberius did in fact enjoy the status of a colonia, as can be seen from coins minted in the city dating from the time of the emperor Elagabaus, 218–222 CE.

PERSONALITIES

Asveirus son of Antoninus – אַסְוֵירוֹס בַּר אַנְטוֹנִינוֹס: Some claim that this Antoninus is Marcus Aurelius Antoninus, the emperor nicknamed Caracalla, who ruled 211–217 CE. He was known for his close relations with the Jews, with stories of such an affinity dating back to his childhood. In the year 212 he granted Roman citizenship to all of the residents of the Roman Empire. Others assert that the reference is to the emperor Septimius Severus, Caracalla's father, who ruled 193–211. He too maintained friendly relations with the Jews, and he appointed his son emperor. Yet others contend that this is the original Marcus Aurelius Antoninus, who ruled 161–180 CE.

Bust of Caracalla

Bust of Septimius Severus

Rabbi Yehuda HaNasi – רַבִּי: The period of *tanna'im* concluded with Rabbi Yehuda HaNasi's arrangement of the Mishna. The son of Rabbi Shimon ben Gamliel II, Rabbi Yehuda HaNasi lived from 135–220 CE. When he was thirty years old he was appointed *Nasi*, or prince, but due to his great scholarship the Talmud refers to him simply as: Rabbi. Rabbi Yehuda HaNasi knew Greek, the language of the elite in Eretz Yisrael, and, as stated here, he was friendly with the Roman emperor, Antoninus. His knowledge of Hebrew was legendary, to the extent that the Sages learned the meaning of difficult words even from servants who worked in his house.

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LANGUAGE

Gira – גִּירָא: This name is possibly connected to the Greek γέρας, *gueras*, meaning an honorary gift or position.

NOTES

Rocket plant [*gargira*] – גַּרְגִּירָא: One explanation is that the name of the plant, *gargira*, indicated that Antoninus' daughter, Gira, had been drawn [*nigreret*] to sin (Rashi). Most commentaries maintain that *gar* alludes to the word for adultery in the dialect of Aramaic spoken in Eretz Yisrael (Rabbeinu Ḥananel; *Arukh*). If so, the message meant that Gira had acted promiscuously.

וְלֵימָא לֵיהּ מֵימַר [בְּהָדְיָא]! אָמַר: שָׁמְעִי (בִּי) חֲשׁוּבֵי רוֹמִי וּמְצַעֲרוּ לֵיהּ. וְלֵימָא לֵיהּ בְּלַחַשׁ! מִשּׁוּם דִּכְתִיב: "כִּי עוֹף הַשָּׁמַיִם יוֹלִיךְ אֶת הַקּוֹל".

The Gemara asks: **But** why not **let him say** his advice **explicitly?** Why did Rabbi Yehuda HaNasi answer in such a circumspect way, which could have been interpreted incorrectly? The Gemara answers: Rabbi Yehuda HaNasi **said** to himself: If I answer openly, **the important Romans** might **hear me and will cause** me **anguish.** The Gemara asks: **But** why not **let him say** his advice **quietly?** The Gemara explains: Rabbi Yehuda HaNasi was still worried that they might hear what he had said, **because it is written:** "Curse not the king, no, not in your thought, and curse not the rich in your bedchamber, **for a bird of the air shall carry the voice"** (Ecclesiastes 10:20).

הֲוָה לֵיהּ הַהוּא בְּרַתָּא דִּשְׁמָהּ גִּירָא, קָעָבְדָה אִיסּוּרָא; שְׁדַר לֵיהּ גַּרְגִּירָא, שְׁדַר לֵיהּ כּוּסְבְּרְתָּא; שְׁדַר לֵיהּ כַּרְתִּי, שְׁלַח לֵיהּ חָסָא.

The Gemara relates: Antoninus **had a certain daughter whose name was Gira,**[L] who **performed a prohibited action,** i.e., she engaged in promiscuous intercourse. Antoninus **sent a rocket plant** [***gargira***][NB] **to** Rabbi Yehuda HaNasi, to allude to the fact that Gira had acted promiscuously [*gar*]. Rabbi Yehuda HaNasi **sent him coriander** [***kusbarta***],[B] which Antoninus understood as a message to kill [*kos*] his daughter [*barta*], as she was liable to receive the death penalty for her actions. Antoninus **sent him leeks** [***karti***][B] to say: I will be cut off [*karet*] if I do so. Rabbi Yehuda HaNasi then **sent him lettuce** [***ḥasa***], i.e., Antoninus should have mercy [*ḥas*] on her.

BACKGROUND

Rocket plant – גַּרְגִּירָא: This is a species of the *Eruca sativa* L., commonly known as rocket or arugula, an annual plant that grows to a height of 15 to 60 cm. Rocket has yellowish leaves with purple veins, and is eaten uncooked in salads. During the Second Temple period its fruits were used as a pepper substitute.

This is a cultivated plant that also grows wild on the roadsides all over Eretz Yisrael, except in the southern region.

Arugula flower

Coriander – כּוּסְבְּרְתָּא: This plant is called *gad* in the Bible. Coriander, *Coriander sativa* L., is an annual plant that reaches heights of 30 to 60 cm. Its green leaves form thin capillaries, while its fruits, also green, are round and roughly 4 mm in diameter. With a distinctive taste, both its leaves and fruits are used as a spice. Although not widely cultivated nowadays, coriander grows wild throughout the northern regions of Eretz Yisrael.

Wild coriander

Leeks – כַּרְתִּי: Leek, *Allium porrum*, is an edible vegetable botanically related to onion and garlic. Its long, flat leaves form a kind of stalk and range from 5 to 30 cm in length. Today, leeks are cooked and used as a spice in soup or meat, and are still eaten raw in the East. Some commentaries state that the leek is the *ḥatzir* mentioned nostalgically by those who left Egypt (see Numbers 11:5), as it was a common garden vegetable cultivated by the ancient Egyptians.

Leek

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כָּל יוֹמָא הֲוָה שְׁדַר לֵיהּ דַּהֲבָא פְּרִיכָא בְּמַטָּרְאָתָא וְחִטֵּי אַפּוּמַיְיהוּ, אֲמַר לְהוּ: אַמְטוּ חִטֵּי לְרַבִּי. אֲמַר [לֵיהּ רַבִּי]: לָא צְרִיכְנָא, אִית לִי טוּבָא. אֲמַר: לֵיהֱוֵי לְמַאן דְּבַתְרָךְ דְּיָהֲבִי לְבַתְרָאֵי דְּאָתוּ בַּתְרָךְ, וּדְאָתֵי מִינַּיְיהוּ יְפוֹק עֲלַיְיהוּ.

The Gemara relates: **Every day** Antoninus **would send to** Rabbi Yehuda HaNasi **crushed gold in large sacks, with wheat in the opening of** the sacks. **He** would **say to** his servants: **Bring** this **wheat to Rabbi** Yehuda HaNasi, and they did not realize that the bags actually contained gold. **Rabbi** Yehuda HaNasi **said to** Antoninus: **I do not need** gold, as **I have plenty.** Antoninus **said:** The gold **should be for those who will come after you, who will give it to the last ones who come after you. And those who descend from them will bring forth** the gold that I now give you, and will be able to pay taxes to the Romans from this money.

הֲוָה לֵיהּ הַהִיא נִקְרְתָּא דַּהֲוָה עַיְילָא מִבֵּיתֵיהּ לְבֵית רַבִּי, כָּל יוֹמָא הֲוָה מַיְיתֵי תְּרֵי עַבְדֵי, חַד קָטְלֵיהּ אַבָּבָא דְּבֵי רַבִּי וְחַד קָטְלֵיהּ אַבָּבָא דְּבֵיתֵיהּ, אֲמַר לֵיהּ: בְּעִידָּנָא דְּאָתֵינָא לָא נִשְׁכַּח גְּבַר קַמָּךְ.

The Gemara relates anther anecdote involving Antoninus. Antoninus **had a certain** underground **cave** from which there was a tunnel **that went from his house to the house of Rabbi** Yehuda HaNasi. **Every day he would bring two servants** to serve him. **He would kill one at the entrance of the house of Rabbi** Yehuda HaNasi,[N] **and would kill** the other **one at the entrance of his house,** so that no living person would know that he had visited Rabbi Yehuda HaNasi. **He said to** Rabbi Yehuda HaNasi: **When I come** to visit, **let no man be found before you.**

יוֹמָא חַד אַשְׁכְּחֵיהּ לְרַבִּי חֲנִינָא בַּר חָמָא דַּהֲוָה יָתֵיב, אֲמַר: לָא אָמִינָא לָךְ בְּעִידָּנָא דְּאָתֵינָא לָא נִשְׁכַּח גְּבַר קַמָּךְ? אֲמַר לֵיהּ: לֵית דִּין בַּר אִינָשׁ. אֲמַר לֵיהּ: אֵימָא לֵיהּ לְהַהוּא עַבְדָּא דְּגָנֵי אַבָּבָא דְּקָאֵים וְלֵיתֵי.

One day, Antoninus **found that Rabbi Ḥanina bar Ḥama was sitting** there. **He said: Did I not tell you** that **when I come** to visit, **let no man be found before you?** Rabbi Yehuda HaNasi **said to him: This is not a human being;** he is like an angel, and you have nothing to fear from him. Antoninus **said to** Rabbi Ḥanina bar Ḥama: **Tell that servant who is sleeping at the entrance that he should rise and come.**

אָזַל רַבִּי חֲנִינָא בַּר חָמָא אַשְׁכְּחֵיהּ דַּהֲוָה קָטִיל, אֲמַר: הֵיכִי אֲעֲבִיד? אִי אֵיזִיל וְאֵימָא לֵיהּ דְּקָטִיל – אֵין מְשִׁיבִין עַל הַקַּלְקָלָה, אֶשְׁבְּקֵיהּ וְאֵיזִיל – קָא מְזַלְזְלִינַן בְּמַלְכוּתָא! בְּעָא רַחֲמֵי עֲלֵיהּ וְאַחֲיֵיהּ וּשְׁדַרֵיהּ. אֲמַר: יָדְעֵנָא, זוּטֵי דְּאִית בְּכוּ מְחַיֵּה מֵתִים, מִיהוּ בְּעִידָּנָא דְּאָתֵינָא לָא נִשְׁכַּח אִינִישׁ קַמָּךְ.

Rabbi Ḥanina bar Ḥama went and **found that** the servant Antoninus referred to **had been killed. He said** to himself: **How shall I act? If I go and tell** Antoninus **that he was killed,** this is problematic, as one should **not report distressing** news. If **I leave him and go,** then I would be **treating the king with disrespect. He prayed for** God to have **mercy and revived** the servant, **and he sent him** to Antoninus. Antoninus **said: I know** that even **the least among you** can **revive the dead; but when I come** to visit **let no man be found before you,** even one as great as Rabbi Ḥanina bar Ḥama.

כָּל יוֹמָא הֲוָה מְשַׁמֵּשׁ לְרַבִּי, מַאֲכִיל לֵיהּ, מַשְׁקֵי לֵיהּ. כִּי הֲוָה בָּעֵי רַבִּי לְמֵיסַק לְפוּרְיָא הֲוָה גָּחֵין קַמֵּי פּוּרְיָא, אֲמַר לֵיהּ: סַק עֵילָּאי לְפוּרְיָיךְ. אֲמַר: לָאו אוֹרַח אַרְעָא לְזַלְזוּלֵי בְּמַלְכוּתָא כּוּלֵי הַאי. אֲמַר: מִי יְשַׁמְּנִי מַצָּע תַּחְתֶּיךָ לָעוֹלָם הַבָּא.

The Gemara relates: **Every day** Antoninus **would minister to Rabbi** Yehuda HaNasi; **he would feed him** and **give him to drink. When Rabbi** Yehuda HaNasi **wanted to ascend to his bed,** Antoninus **would bend down in front of the bed** and **say to him: Ascend upon me to your bed.** Rabbi Yehuda HaNasi **said** in response: It is **not proper conduct to treat the king with this much disrespect.** Antoninus **said: Oh, that I were set as a mattress under you in the World-to-Come!**

אֲמַר לֵיהּ: אָתֵינָא לְעָלְמָא דְּאָתֵי? אֲמַר לֵיהּ: אִין. אֲמַר לֵיהּ, וְהָכְתִיב: ״לֹא יִהְיֶה שָׂרִיד לְבֵית עֵשָׂו״! בְּעוֹשֶׂה מַעֲשֵׂה עֵשָׂו.

On another occasion, Antoninus **said to** Rabbi Yehuda HaNasi: Will **I enter the World-to-Come?**[H] Rabbi Yehuda HaNasi **said to him: Yes.** Antoninus **said to him: But isn't it written: "And there shall not be any remaining of the house of Esau"** (Obadiah 1:18)? Rabbi Yehuda HaNasi answered: The verse is stated **with regard to** those who **perform actions** similar to those **of** the wicked **Esau,** not to people like you.

תָּנְיָא נָמֵי הָכִי: ״לֹא יִהְיֶה שָׂרִיד לְבֵית עֵשָׂו״ – יָכוֹל לַכֹּל? תַּלְמוּד לוֹמַר: ״לְבֵית עֵשָׂו״, בְּעוֹשֶׂה מַעֲשֵׂה עֵשָׂו.

This is also taught in a *baraita*: From the verse: **"And there shall not be any remaining of the house of Esau,"** one **might** have thought that this applies **to everyone** descended from Esau, irrespective of an individual's actions. Therefore, **the verse states: "Of the house of Esau,"** to indicate that the verse is stated only **with regard to** those who continue in the way of Esau, and **perform actions** similar to those **of Esau.**

NOTES

At the entrance of the house of Rabbi Yehuda HaNasi, etc. – אַבָּבָא דְּבֵי רַבִּי וכו׳: Some explain that Antoninus would take the servants with him because it is not customary for a king to walk alone. He did not kill both at the same time, as they might have paired against him. Rather, upon reaching the house of Rabbi Yehuda HaNasi he would take one aside and kill him, and after returning to his house with the other servant, he would kill him as well (Ra'avad). Others suggest that he took the two slaves to guard the two entrances to the cave; he would leave the first by the entrance near his house, and would take the second up to the entrance near the house of Rabbi Yehuda HaNasi (Maharsha).

HALAKHA

Will I enter the World-to-Come, etc. – אָתֵינָא לְעָלְמָא דְּאָתֵי וכו׳: The righteous members of the nations of the world have a share in the World-to-Come (Rambam *Sefer HaMadda*, *Hilkhot Teshuva* 3:5, and see *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 8:11).

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אֲמַר לֵיהּ, וְהָכְתִיב: ״שָׁמָּה אֱדוֹם מְלָכֶיהָ וְכָל נְשִׂיאֶיהָ״! אֱמַר לֵיהּ: ״מְלָכֶיהָ״ – וְלֹא כָּל מְלָכֶיהָ, ״כָּל נְשִׂיאֶיהָ״ – וְלֹא כָּל שָׂרֶיהָ.

Antoninus **said to** Rabbi Yehuda HaNasi: **But isn't it written** in the description of the netherworld: **"There is Edom, her kings and all her leaders"** (Ezekiel 32:29)? Rabbi Yehuda HaNasi **said to him:** The verse states: **"Her kings," but not: All of her kings,** and likewise it states: **"All her leaders," but not: All of her officers.** Some of them will merit the World-to-Come.

תַּנְיָא נַמִּי הָכִי: ״מְלָכֶיהָ״ – וְלֹא כָּל מְלָכֶיהָ, ״כָּל נְשִׂיאֶיהָ״ – וְלֹא כָּל שָׂרֶיהָ; ״מְלָכֶיהָ״ וְלֹא כָּל מְלָכֶיהָ – פְּרָט לְאַנְטוֹנִינוֹס בֶּן אַסְוֵירוֹס, ״כָּל נְשִׂיאֶיהָ״ וְלֹא כָּל שָׂרֶיהָ – פְּרָט לְקִטְיָעָה בַּר שָׁלוֹם.

This is also taught in a *baraita*: The verse states: **"Her kings," but not: All of her kings,** and: **"All her leaders," but not: All of her officers.** The inference learned from the wording of the verse: **"Her kings," but not: All of her kings,** serves **to exclude Antoninus the son of Asveirus;** and the inference from the wording: **"All her leaders," but not: All of her officers,** serves **to exclude** the Roman officer **Ketia, son of Shalom.**[P]

קִטְיָעָה בַּר שָׁלוֹם מַאי הָוְיָ? דְּהַהוּא קֵיסָרָא דַּהֲוָה סָנֵי לְיהוּדָאֵי, אֲמַר לְהוּ לַחֲשִׁיבִי דְּמַלְכוּתָא: מִי שֶׁעָלָה לוֹ נִימָא בְּרַגְלוֹ, יְקַטְּעֶנָּה וְיִחְיֶה אוֹ יַנִּיחֶנָּה וְיִצְטַעֵר? אָמְרוּ לוֹ: יְקַטְּעֶנָּה וְיִחְיֶה.

The Gemara asks: **What is it** that occurred involving **Ketia, son of Shalom? As there was a certain** Roman **emperor who hated the Jews. He said to the important** members **of the kingdom:** If **one had an ulcerous sore** [*nima*][L] **rise on his foot, should he cut it off and live, or leave it and suffer? They said to him: He should cut it off and live.** The ulcerous sore was a metaphor for the Jewish people, whom the emperor sought to eliminate as the cause of harm for the Roman Empire.

אֲמַר לְהוּ קִטְיָעָה בַּר שָׁלוֹם: חֲדָא, דְּלָא יָכְלַתְּ לְהוּ לְכוּלְּהוּ, דִּכְתִיב: ״כִּי כְּאַרְבַּע רוּחוֹת הַשָּׁמַיִם פֵּרַשְׂתִּי אֶתְכֶם״; מַאי קָאָמַר? אִילֵּימָא דְּבַדְּרְתְּהוֹן בְּאַרְבַּע רוּחוֹת, הַאי ״כְּאַרְבַּע רוּחוֹת״ – ״לְאַרְבַּע רוּחוֹת״ מִבָּעֵי לֵיהּ! אֶלָּא כְּשֵׁם שֶׁאִי אֶפְשָׁר לָעוֹלָם בְּלֹא רוּחוֹת, כָּךְ אִי אֶפְשָׁר לָעוֹלָם בְּלֹא יִשְׂרָאֵל. וְעוֹד, קְרוּ לָךְ מַלְכוּתָא קְטִיעָה.

Ketia, son of Shalom, said to them: It is unwise to do so, for two reasons. **One** is **that you cannot** destroy **all of them, as it is written: "For I have spread you abroad as the four winds of the heaven,** says the Lord" (Zechariah 2:10). He clarified: **What is it saying? Shall we say that** the verse means that God has **scattered them to the four winds** of the world? If so, **this** phrase: **"As the four winds,"** is inaccurate, since **it should have** said: **To the four winds. Rather,** this is what the verse is saying: **Just as the world cannot** exist **without winds, so too, the world cannot** exist **without the Jewish people,** and they will never be destroyed. **And furthermore,** if you attempt to carry out the destruction of the Jews, **they will call you the severed kingdom,** as the Roman Empire would be devoid of Jews, but Jews would exist in other locations.

אֲמַר לֵיהּ: מֵימַר שַׁפִּיר קָאָמְרַתְּ, מִיהוּ כָּל דְּזָכֵי מַלְכָּא שְׁדוּ לֵיהּ לְקָמוֹנְיָא חֲלִילָא. כַּד הֲוָה נָקְטִין לֵיהּ וְאָזְלִין, אֲמַרָה לֵיהּ הַהִיא מַטְרוֹנִיתָא: וַוי לֵיהּ לְאֵילְפָא דְּאָזְלָא בְּלָא מִכְסָא! נְפַל עַל רֵישָׁא דְּעוֹרְלָתֵיהּ קְטָעָה, אֲמַר: יְהָבִית מִכְסִי חֲלָפֵית וַעֲבַרִית. כִּי קָא שָׁדוּ לֵיהּ, אֲמַר: כָּל נִכְסַאי לְרַבִּי עֲקִיבָא וְחַבְרָיו. יָצָא רַבִּי עֲקִיבָא וְדָרַשׁ: ״וְהָיָה לְאַהֲרֹן וּלְבָנָיו״ – מֶחֱצָה לְאַהֲרֹן וּמֶחֱצָה לְבָנָיו.

The emperor **said to** Ketia: **You have spoken well** and your statement is correct; **but they throw anyone who defeats the king** in argument **into a house full of ashes** [***lekamonya ḥalila***],[N] where he would die. **When they were seizing** Ketia **and going** to take him to his death, **a certain matron** [***matronita***][L] **said to him: Woe to the ship that goes without** paying the **tax.** Ketia **bent down over his foreskin, severed it,** and **said: I gave my tax; I** will **pass and enter. When they threw him** into the house of ashes, **he said: All of my property** is given **to Rabbi Akiva and his colleagues.** How was this inheritance to be divided? The Gemara relates: **Rabbi Akiva went out and taught** that the verse: **"And it shall be for Aaron and his sons"** (Exodus 29:28), means **half to Aaron and half to his sons.**[H] Here too, as Rabbi Akiva is mentioned separately, he should receive half, while his colleagues receive the other half.

יָצְתָה בַּת קוֹל וְאָמְרָה: קִטְיָעָה בַּר שָׁלוֹם מְזוּמָּן לְחַיֵּי הָעוֹלָם הַבָּא. בָּכָה רַבִּי וְאָמַר: יֵשׁ קוֹנֶה עוֹלָמוֹ בְּשָׁעָה אַחַת, וְיֵשׁ קוֹנֶה עוֹלָמוֹ בְּכַמָּה שָׁנִים.

The Gemara returns to the story of Ketia. **A Divine Voice emerged and said: Ketia, son of Shalom, is destined for life in the World-to-Come.** When **Rabbi** Yehuda HaNasi heard this, **he wept,**[N] **saying: There is** one who **acquires his** share in the **World**-to-Come **in one moment, and there is** one who **acquires his** share in the **World**-to-Come only **after many years** of toil.

אַנְטוֹנִינוֹס שַׁמְשֵׁיהּ לְרַבִּי, אַדְרַכָּן שַׁמְשֵׁיהּ לְרַב. כִּי שְׁכִיב אַנְטוֹנִינוֹס, אֲמַר רַבִּי: נִתְפָּרְדָה חֲבִילָה; כִּי שְׁכִיב אַדְרַכָּן, אֲמַר רַב:

The Gemara relates: **Antoninus would attend to Rabbi** Yehuda HaNasi, and similarly the Persian king **Adrakan**[P] **would attend to Rav. When Antoninus died, Rabbi** Yehuda HaNasi **said: The bundle is separated. When Adrakan died, Rav** likewise **said:**

PERSONALITIES

Ketia, son of Shalom – קִטְיָעָה בַּר שָׁלוֹם: Apparently this was the Roman senator Flavius Clemens, who, according to other sources, converted to Judaism together with his wife during the reign of Domitian, 81–96 CE. Domitian's order to execute Ketia and his wife is an example of this emperor's particularly ruthless attitude toward Jews and converts to Judaism.

It is possible that the name son of Shalom was intended as a translation of the name Clemens, which means gentle or merciful in Latin.

Adrakan – אַדְרַכָּן: Adrakan, or Artabanos V, was the last ruler of the Parthian Empire. In Persian he is known as Ardavan, and in Greek as Ἀρτάβανος, Artabanos.

During his entire reign Artabanos was embroiled in several wars: With his brother, who controlled a large part of the empire for many years; with the Romans, whom he defeated in 216 CE; and later with Ardashir I, the founder of the Sassanid Dynasty. Artabanos was killed in battle in the year 224 CE.

It can be inferred from several places in the Talmud that Artabanos maintained warm relations with the Sages in Eretz Yisrael, and he was especially close with the *amora* Rav. Other sources describe the exchange of gifts that took place between Artabanos and Rabbi Yehuda HaNasi, demonstrating the former's respect for Judaism and the Jewish Sages.

NOTES

A house filled with ashes [*lekamonya ḥalila*] – לְקָמוֹנְיָא חֲלִילָא: Some explain that *lekamonya ḥalila* refers to a house filled with ashes (Rashi). Alternatively, it means hole filled with dirt (*Arukh*), or a fiery furnace (Rabbeinu Ḥananel). Some explain that this is derived from the name of a place in Rome called the *Gemoniae scalae*. A ramp was located there along which those condemned to death were dragged by hooks.

When Rabbi Yehuda HaNasi heard this he wept – בָּכָה רַבִּי: Rabbi Yehuda HaNasi wept because Ketia demonstrated that each and every person can attain the highest levels through an action that takes only one moment to perform. Ketia thereby imposed an obligation on all people in the world to attempt to attain this high level (*Einei Yitzḥak*).

HALAKHA

Half to Aaron and half to his sons – מֶחֱצָה לְאַהֲרֹן וּמֶחֱצָה לְבָנָיו: The High Priest is entitled to half of the shewbread of each priestly watch, as well as of the two loaves, i.e., the public offering of two loaves from the new wheat sacrificed on *Shavuot*; as the verse states: "And it shall be for Aaron and his sons." This means that half belongs to Aaron and half to his sons. The Sages learn from here that if one states: My property is given to so-and-so and my sons, the individual identified by name receives half, while the sons of the deceased receive the other half (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 4:14, 8:11 and *Sefer Kinyan*, *Hilkhot Zekhiya UMattana* 11:5; *Shulḥan Arukh*, *Ḥoshen Mishpat* 247:5).

LANGUAGE

Ulcerous sore [*nima*] – נִימָא: From the Greek νομή, *nomē*, meaning an expanding wound or gangrene. Another version of the text has *nomi*, matching the version of the word in other places.

Matron [*matronita*] – מַטְרוֹנִיתָא: An Aramaic form of the Latin matrona, meaning a wealthy or important woman. In the mishnaic period there were many women of noble standing who admired Jews and Judaism, and some even converted to Judaism.

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נִתְפָּרְדָה חֲבִילָה.

The bundle is separated.

אוּנְקְלוֹס בַּר קְלוֹנִימוֹס אִיגַּיֵּיר. שְׁדַר קֵיסָר גּוּנְדָּא דְּרוֹמָאֵי אַבַּתְרֵיהּ, מָשְׁכִינְהוּ בְּקָרָאֵי, אִיגַּיּוּר. הֲדַר שְׁדַר גּוּנְדָּא דְּרוֹמָאֵי [אַחֲרִינָא] אַבַּתְרֵיהּ, אֲמַר לְהוּ: לָא תֵּימְרוּ לֵיהּ וְלָא מִידֵּי.

§ The Gemara mentions other Romans who converted to Judaism. It relates: **Onkelos**[L] **bar Kelonimos**[LP] **converted** to Judaism. The Roman **emperor sent a troop** [*gunda*][L] **of Roman** soldiers **after him** to seize Onkelos and bring him to the emperor. Onkelos **drew them** toward him **with verses** that he cited and learned with them, and **they converted.** The emperor **then sent another troop of Roman** soldiers **after him,** and **said to them: Do not say anything to him,** so that he cannot convince you with his arguments. The troops followed this instruction, and took Onkelos with them.

כִּי הֲווּ שָׁקְלוּ וְאָזְלוּ, אֲמַר לְהוּ: אֵימָא לְכוּ מִילְּתָא בְּעַלְמָא: נִיפְיוֹרָא נָקֵט נוּרָא קָמֵי אַפִּיפְיוֹרָא, אַפִּיפְיוֹרָא לְדוּכְסָא, דּוּכְסָא לְהֶגְמוֹנָא, הֶגְמוֹנָא לְקוֹמָא, קוֹמָא מִי נָקֵט נוּרָא מִקָּמֵי אֱינָשֵׁי? אָמְרִי לֵיהּ: לָא. אֲמַר לְהוּ: הַקָּדוֹשׁ בָּרוּךְ הוּא נָקֵט נוּרָא קָמֵי יִשְׂרָאֵל, דִּכְתִיב: ״וַה׳ הֹלֵךְ לִפְנֵיהֶם יוֹמָם״ וגו׳, אִיגַּיּוּר כּוּלְּהוּ.

When they were walking, Onkelos **said to** the troop of soldiers: **I will say a mere statement to you: A minor official** [*nifyora*][L] **holds a torch**[B] **before a high official** [*apifyora*],[L] **the high official** holds a torch **for a duke** [*dukasa*],[L] **a duke for the governor,** and **the governor for the ruler** [*koma*].[L] **Does the ruler hold a torch before** the common **people?** The soldiers **said to** Onkelos: **No.** Onkelos **said to them:** Yet **the Holy One, Blessed be He, holds a torch before the Jewish people, as it is written: "And the Lord went before them by day** in a pillar of cloud, to lead them the way, and by night in a pillar of fire, to give them light" (Exodus 13:21). **They all converted.**

הֲדַר שְׁדַר גּוּנְדָּא אַחֲרִינָא אַבַּתְרֵיהּ, אֲמַר לְהוּ: לָא תִּשְׂתָּעוּ מִידֵּי בַּהֲדֵיהּ. כִּי נָקְטֵי לֵיהּ וְאָזְלִי, חֲזָא מְזוּזְתָא דְּמַנָּחָא אַפִּתְחָא, אוֹתֵיב יְדֵיהּ עֲלָהּ וַאֲמַר לְהוּ: מַאי הַאי? אֲמַרוּ לֵיהּ: אֵימָא לָן אַתְּ.

The emperor **then sent another troop** of soldiers **after him,** to bring Onkelos, and **said to them: Do not converse with him at all.** The troops followed this instruction, and took Onkelos with them. **While they grabbed him and were walking,** Onkelos **saw a *mezuza* that was placed on the doorway. He placed his hand upon it and said to** the soldiers: **What is this? They said to him: You tell us.**

אֲמַר לְהוּ: מִנְהָגוֹ שֶׁל עוֹלָם, מֶלֶךְ בָּשָׂר וָדָם יוֹשֵׁב מִבִּפְנִים וַעֲבָדָיו מְשַׁמְּרִים אוֹתוֹ מִבַּחוּץ, וְאִילּוּ הַקָּדוֹשׁ בָּרוּךְ הוּא, עֲבָדָיו מִבִּפְנִים וְהוּא מְשַׁמְּרָן מִבַּחוּץ, שֶׁנֶּאֱמַר: ״ה׳ יִשְׁמָר צֵאתְךָ וּבוֹאֶךָ מֵעַתָּה וְעַד עוֹלָם״. אִיגַּיּוּר. תּוּ לָא שְׁדַר בַּתְרֵיהּ.

Onkelos **said to them: The** standard **practice** throughout the **world** is that **a king** of **flesh and blood sits inside** his palace, **and his servants** stand **guard,** protecting **him outside; but** with regard to **the Holy One, Blessed be He, His servants,** the Jewish people, sit **inside** their homes **and He guards over them outside. As it is stated: "The Lord shall guard your going out and your coming in, from now and forever"** (Psalms 121:8). Upon hearing this, those soldiers also **converted** to Judaism. After that, the emperor **sent no more** soldiers **after him.**

״וַיֹּאמֶר ה׳ לָהּ שְׁנֵי גוֹיִם בְּבִטְנֵךְ״ – אָמַר רַב יְהוּדָה אָמַר רַב: אַל תִּקְרֵי ״גוֹיִם״ אֶלָּא ״גֵּיאִים״, זֶה אַנְטוֹנִינוֹס וְרַבִּי, שֶׁלֹּא פָּסְקוּ מֵעַל שׁוּלְחָנָם לֹא חֲזֶרֶת וְלֹא קִישׁוּת וְלֹא צְנוֹן, לֹא בִּימוֹת הַחַמָּה וְלֹא בִּימוֹת הַגְּשָׁמִים, דְּאָמַר מָר: צְנוֹן מְחַתֵּךְ אוֹכֶל, חֲזֶרֶת מְהַפֵּךְ מַאֲכָל, קִישׁוּת מַרְחִיב מֵעַיִים.

§ The Gemara returns to its discussion of Antoninus: When the matriarch Rebecca was pregnant with Jacob and Esau, **"the Lord said to her: Two nations** [*goyim*] **are in your womb"** (Genesis 25:23). **Rav Yehuda says** that **Rav says: Do not read** it as ***goyim,*** meaning nations; **rather** read it as ***geyim,***[N] meaning proud ones. **This** verse was fulfilled in two prominent individuals who descended from Rebecca, **Antoninus and Rabbi** Yehuda HaNasi, **whose tables,** due to their wealth, **never lacked for lettuce, nor cucumbers, nor radish,**[B] **neither in the summer nor in the rainy season,** despite the fact that these foods do not grow year round. The reason they ensured that these items were always present at their tables is **that the Master said: A radish breaks up food, lettuce stirs up food,** and **cucumbers**[B] **expand the intestines.**

וְהָא תָּנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: לָמָּה נִקְרָא שְׁמָן קִישׁוּאִין? מִפְּנֵי שֶׁקְּשִׁין לְגוּפוֹ שֶׁל אָדָם כַּחֲרָבוֹת! לָא קַשְׁיָא: הָא בְּרַבְרְבֵי, הָא בְּזוּטְרֵי.

The Gemara asks: **But isn't it taught** in the **school of Rabbi Yishmael: Why are they called cucumbers** [*kishuin*]**?** It is **because they are as harmful** [*kashim*] **to a person's body as swords.** The Gemara answers: This is **not difficult. This** statement, that they are harmful to the body, is referring **to large** cucumbers, whereas **that** statement, explaining why they were always present on the tables of Rabbi Yehuda HaNasi and Antoninus, is referring **to small ones.**

LANGUAGE

Onkelos – אוּנְקְלוֹס: Apparently from the Latin name Aquila, meaning eagle, or from its Greek form Ακύλας, *Akulas*.

Kelonimos – קְלוֹנִימוֹס: From the Greek name καλώνυμος, *Kalonumos*, meaning one with a good reputation.

Troop [*gunda*] – גּוּנְדָּא: This word is also found in Middle Persian as gund, meaning a troop of soldiers.

Minor official [*nifyora*] – נִיפְיוֹרָא: Apparently from the Greek νεωποίης, *neopoiēs*, meaning a temple or ministerial guard.

High official [*apifyora*] – אַפִּיפְיוֹרָא: From the Greek παπίας, *papias*, keeper or custodian of the palace.

Duke [*dukasa*] – דּוּכְסָא: From the Latin dux, meaning leader or commander.

Ruler [*koma*] – קוֹמָא: From the Latin comes, meaning a king's court or a courtier. This word spread to many European languages.

PERSONALITIES

Onkelos bar Kelonimos – אוּנְקְלוֹס בַּר קְלוֹנִימוֹס: Opinions are divided as to the identity of Onkelos the convert. Some identify him with Aquila of Sinope, about whom it is recorded in the Jerusalem Talmud that he translated the Bible into Greek. It is related that Onkelos came from the family of the emperor. He subsequently converted and became a student of Rabbi Eliezer and Rabbi Yehoshua. The Sages had a high regard for Onkelos's Aramaic translation of the Torah, which is considered precise and authoritative, a faithful expression of Jewish tradition.

BACKGROUND

A minor official holds a torch – נִיפְיוֹרָא נָקֵט נוּרָא: There are indications that protocols of this type were observed during the period of the Roman Empire. They were documented during the time of the Byzantine Empire, which had five ascending ranks of nobility. It is possible that these protocols, and similarly the ranks of nobility, changed over the generations.

Lettuce…nor radish – חֲזֶרֶת...וְלֹא צְנוֹן: These vegetables have relatively low nutritional value. In antiquity, these vegetables were consumed primarily as appetizers. Some doctors also recommended radishes as a cure for several illnesses.

Cucumber – קִישׁוּת: The cucumber, *Cucumis chate*, is a summer fruit of the Cucurbitaceae family, and is a species of gourd. It is called *melafefon* in modern Hebrew. The fruit is up to 80 cm long, narrow, and it can be bent or twisted.

NOTES

Rather read it as *geyim* – אֶלָּא גֵּיאִים: Rashi points out that the word nations in the verse is vocalized as *goyim*, but is written as *geyim*, proud. This is understood as referring to Antoninus and Rabbi Yehuda HaNasi, two proud individuals who lived in the same generation (Rabbeinu Ḥananel). These descendants of Jacob and Esau were also considered like twins, due to their close relationship (Maharal).

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"יוֹם הַלֵּידָה וְיוֹם הַמִּיתָה". מִכְּלָל דְּרַבִּי מֵאִיר סָבַר: לָא שָׁנָא מִיתָה שֶׁיֵּשׁ בָּהּ שְׂרֵיפָה, וְלָא שָׁנָא מִיתָה שֶׁאֵין בָּהּ שְׂרֵיפָה – פָּלְחִי בָּהּ לַעֲבוֹדָה זָרָה, אַלְמָא: שְׂרֵיפָה לָאו חוּקָּה הִיא; מִכְּלָל דְּרַבָּנַן סָבְרִי: שְׂרֵיפָה חוּקָּה הִיא.

§ The mishna teaches that according to Rabbi Meir **the birthday** of the king **and the day of the death** of the king are considered gentile festivals, whereas the Rabbis hold that only a death that includes public burning is considered a festival that includes idol worship. The Gemara comments: **By inference,** this means **that Rabbi Meir holds** that **there is no difference** whether it is **a death that includes** public **burning, and there is no difference** whether it is **a death that does not include** public **burning;** in either case, **they engage in idol worship on** that occasion. **Evidently,** Rabbi Meir holds that the **burning** performed at the death of the king **is not** an idolatrous **custom,** as it is not the cause of the prohibition. The Gemara continues: From here, one can conclude **by inference that the Rabbis hold** that the **burning** upon the death of the king **is** an idolatrous **custom.**

וְהָא תַּנְיָא: שׂוֹרְפִין עַל הַמְּלָכִים וְלֹא מִדִּרְכֵי הָאֱמוֹרִי; וְאִי חוּקָּה הִיא, אֲנַן הֵיכִי שָׂרְפִינַן? וְהָכְתִיב: "וּבְחֻקֹּתֵיהֶם לֹא תֵלֵכוּ"!

The Gemara raises a difficulty: **But isn't it taught** in a *baraita*: **We burn** items **upon the** death of **kings** as an expression of grief, **and** this is **not of the ways of the Amorites,** but rather a Jewish custom? **And if** this **is** an idolatrous **custom, how could we** perform this public **burning? But isn't it written: "And you shall not walk in their statutes"** (Leviticus 18:3)?

אֶלָּא, דְּכוּלֵּי עָלְמָא – שְׂרֵיפָה לָאו חוּקָּה הִיא, אֶלָּא חֲשִׁיבוּתָא הִיא; וְהָכָא בְּהָא קָמִיפַּלְגִי, רַבִּי מֵאִיר סָבַר: לָא שָׁנָא מִיתָה שֶׁיֵּשׁ בָּהּ שְׂרֵיפָה, וְלָא שָׁנָא מִיתָה שֶׁאֵין בָּהּ שְׂרֵיפָה – פָּלְחִי בָּהּ לַעֲבוֹדָה זָרָה, וְרַבָּנַן סָבְרִי: מִיתָה שֶׁיֵּשׁ בָּהּ שְׂרֵיפָה – חֲשִׁיבָא לְהוּ וּפָלְחִי בָּהּ, וְשֶׁאֵין בָּהּ שְׂרֵיפָה – לָא חֲשִׁיבָא וְלָא פָּלְחִי בָּהּ.

Rather, everyone agrees that the public **burning** itself **is not** an idolatrous **custom. Rather, it is** performed due to the great **importance** of the king who passed away. **And here,** in the mishna, **they disagree about this: Rabbi Meir holds** that **there is no difference** whether it is **a death that includes** public **burning and there is no difference** whether it is **a death that does not include** public **burning;** in either case, in practice **they engage in idol worship on** that occasion. **And the Rabbis hold** that **a death that includes** public **burning** is **important to** the gentiles, **and** therefore **they engage in** idol **worship on** that occasion, **but** a death **that does not include** public **burning** is **not important** to them, **and they do not engage in** idol **worship on** that occasion.

גּוּפָא: שׂוֹרְפִין עַל הַמְּלָכִים וְאֵין בּוֹ מִשּׁוּם דַּרְכֵי הָאֱמוֹרִי, שֶׁנֶּאֱמַר: "בְּשָׁלוֹם תָּמוּת וּבְמִשְׂרְפוֹת אֲבוֹתֶיךָ הַמְּלָכִים" וגו'; וּכְשֵׁם שֶׁשּׂוֹרְפִין עַל הַמְּלָכִים, כָּךְ שׂוֹרְפִין עַל הַנְּשִׂיאִים;

Having mentioned this *baraita,* the Gemara returns to discuss **the** matter **itself.** The *baraita* teaches: **One burns** items **due to the** death of **kings**[H] as an expression of grief, **and** this **is not subject to** the prohibition of imitating **the ways of the Amorites,** since it is a Jewish custom. **As it is stated** that Jeremiah prophesied to Zedekiah king of Judah: **"You shall die in peace; and with the burnings of your fathers, the former kings** that were before you, so shall they make a burning for you" (Jeremiah 34:5). **And just as one burns** items **upon** the death of **the kings, so too one burns** items **upon** the death of **the heads of the Sanhedrin.**[N]

וּמָה הֵם שׂוֹרְפִין עַל הַמְּלָכִים? מִיטָּתָן וּכְלֵי תַּשְׁמִישָׁן; וּמַעֲשֶׂה שֶׁמֵּת רַבָּן גַּמְלִיאֵל הַזָּקֵן, וְשָׂרַף עָלָיו אוּנְקְלוֹס הַגֵּר שִׁבְעִים מָנֶה צוֹרִי. וְהָאָמְרַתְּ: מָה הֵן שׂוֹרְפִין עֲלֵיהֶם? מִיטָּתָן וּכְלֵי תַּשְׁמִישָׁן! אֵימָא: בְּשִׁבְעִים מָנֶה צוֹרִי.

And what items **do they burn upon the** death of **kings?** They burn the kings' **beds and their utensils,** so that no one else can make use of them. **And** there was **an incident in which Rabban Gamliel the Elder**[P] **died, and upon** his death **Onkelos the convert burned seven thousand dinars** in valuable **Tyrian** coinage.[B] The Gemara asks: **But didn't you state** in response to the question: **What do they burn upon** the death of kings, that they burn **their beds and their utensils?** Why, then, did Onkelos burn money? The Gemara answers: **Say** that Onkelos burned items that were valued **at seven thousand dinars** in **Tyrian** coinage.

HALAKHA

One burns items due to the death of kings – שׂוֹרְפִין עַל הַמְּלָכִים: When a king or head of the Sanhedrin passes away, his bed and items are burned, as the utensils used by a king, e.g., his scepter and crown, may not be used by anyone else. This is not considered wasteful destruction or adopting the customs of the Amorites. The *Tur* notes that it is prohibited to burn items upon the death of any private individual (Rambam *Sefer Shofetim, Hilkhot Melakhim UMilḥemoteihem* 2:1; *Shulḥan Arukh, Yoreh De'a* 348:1).

NOTES

So too one burns items upon the death of the heads of the Sanhedrin – כָּךְ שׂוֹרְפִין עַל הַנְּשִׂיאִים: The head of the Sanhedrin of Eretz Yisrael served as the nation's leader. Therefore, he was treated with the respect due to a king.

PERSONALITIES

Rabban Gamliel the Elder – רַבָּן גַּמְלִיאֵל הַזָּקֵן: This Rabban Gamliel is referred to as the Elder to distinguish him from his grandson, whose name was also Rabban Gamliel, and who was referred to as Rabban Gamliel of Yavne. He was a grandson of Hillel the Elder and served as the head of the Sanhedrin for many years during the Second Temple period.

BACKGROUND

Seven thousand dinars in Tyrian coinage – שִׁבְעִים מָנֶה צוֹרִי: Although denominations of Tyrian coinage and provincial coinage bore the same name, the Tyrian coins were worth eight times more than the identically named provincial coinage. The amount mentioned here, seven thousand dinars in Tyrian coinage, was equivalent to more than twenty years' wages of an average worker.

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וּמִידֵי אַחֲרִינָא לָא? וְהָתַנְיָא: עוֹקְרִין עַל הַמֻּלָּכִים וְאֵין בּוֹ מִשּׁוּם דֶּרֶכֵי הָאֱמוֹרִי! אָמַר רַב פַּפָּא: סוּס שֶׁרָכַב עָלָיו.

The Gemara asks: **And** are **other items not** destroyed in order to accord honor to the deceased king, apart from his utensils? **But isn't it taught** in a *baraita* that **we detach** the hooves of livestock **upon the** death of **kings, and** this **is not subject to** the prohibition of **the ways of the Amorites? Rav Pappa says:** That *baraita* is referring to **the horse upon which** the king **rode.** Since that animal was designated as the king's personal item, it is therefore rendered unusable for anyone else, like his personal utensils.

וּבְהֵמָה טְהוֹרָה לָא? וְהָתַנְיָא: עִיקּוּר שֶׁיֵּשׁ בָּהּ טְרֵיפָה – אָסוּר, וְשֶׁאֵין בָּהּ טְרֵיפָה – מוּתָּר; וְאֵיזֶהוּ עִיקּוּר שֶׁאֵין בָּהּ טְרֵיפָה?

The Gemara asks: **And** did they **not** detach the hooves of the king's **kosher animals,** which are not used by the king for riding? **But isn't it taught** in a *baraita*: If **removing** the hooves of an animal would **entail** that it becomes **an animal with a wound that will cause it to die within twelve months** [***tereifa***], it is **prohibited**[N] to do so. **And when** doing so would **not entail** rendering it **a *tereifa,*** it is **permitted. And what is** a way of **removing** hooves **that does not entail** rendering the animal **a *tereifa*?**

Perek **I**
Daf **11** Amud **b**

הַמְנַשֵּׁר פַּרְסוֹתֶיהָ מִן הָאַרְכּוּבָּה וּלְמַטָּה! תִּרְגְּמָא רַב פַּפָּא: בְּעֶגְלָה הַמּוֹשֶׁכֶת בְּקָרוֹן.

One who cuts the hooves of the animal, severing the legs **from the knee and below,** does not render the animal a *tereifa*. It is evident from the *baraita*, which discusses the cases in which an animal is rendered a *tereifa* and is therefore unfit to eat, that it is discussing kosher animals. The Gemara answers: **Rav Pappa interpreted** the *baraita* as referring **to** the **calf that pulls** the king's **coach,** a kosher animal of which the king made use.

"יוֹם תְּגַלַּחַת זְקָנוֹ". אִיבַּעְיָא לְהוּ: הֵיכִי קָתָנֵי? יוֹם תְּגַלַּחַת זְקָנוֹ וְהַנָּחַת בְּלוֹרִיתוֹ, אוֹ דִלְמָא יוֹם תְּגַלַּחַת זְקָנוֹ וְהַעֲבָרַת בְּלוֹרִיתוֹ? תָּא שְׁמַע, דְּתַנְיָא תַּרְוַיְיהוּ: יוֹם תְּגַלַּחַת זְקָנוֹ וְהַנָּחַת בְּלוֹרִיתוֹ, יוֹם תְּגַלַּחַת זְקָנוֹ וְהַעֲבָרַת בְּלוֹרִיתוֹ.

§ The mishna teaches: **The day of shaving his,** i.e., the gentile's, **beard** and his locks. **A dilemma was raised before** the Sages: **What is** the mishna **teaching** here? Is it referring to **the day of shaving his beard and** head, when he cuts the hair of his head and as a result **his** long **locks** at the back of his head are **left**[B] as a form of idol worship? **Or perhaps** the mishna is speaking of **the day of shaving his beard and removing his locks,** which are removed some time after they were left on the head? The Gemara responds: **Come** and **hear** an answer, **as both** opinions **are taught** in *baraitot*: One *baraita* mentions **the day of shaving his beard and** head when **his** long **locks** at the back of his head are **left,** whereas a different *baraita* specifies **the day of shaving his beard and removing his locks.**

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: עוֹד אַחֶרֶת יֵשׁ [לָהֶם] בְּרוֹמִי, אַחַת לְשִׁבְעִים שָׁנָה מְבִיאִין אָדָם שָׁלֵם וּמַרְכִּיבִין אוֹתוֹ עַל אָדָם חִיגֵּר, וּמַלְבִּישִׁין אוֹתוֹ בִּגְדֵי אָדָם הָרִאשׁוֹן, וּמַנִּיחִין לוֹ בְּרֹאשׁוֹ קַרְקִיפְלוֹ שֶׁל רַבִּי יִשְׁמָעֵאל,

The Gemara continues to discuss Roman festivals. **Rav Yehuda says** that **Shmuel says: They have another** festival **in Rome:**[B] **Once every seventy years they bring a man** who is **whole** and free from any defect **and have him ride on a lame man,** to symbolize the healthy Esau ruling over Jacob, who walked with a limp after his fight with the angel. **And they dress him** in the **garments of Adam the first** man **and place on his head the scalp** [***karkifelo***][L] **of Rabbi Yishmael,** which the Romans flayed when they executed him.

וְתָלוּ לֵיהּ [בְּצַוָּארֵיהּ] מְתַקַּל [מָאתָן] זוּזֵא דְּפִיזָא, וּמְחַפִּין אֶת הַשְּׁווּקִים בְּאִיזֵנְךָ, וּמַכְרִיזִין לְפָנָיו: סָךְ קִירִי פְּלַסְתֵּר, אֲחוּהּ דְּמָרְנָא זְיֵיפָנָא, דְּחָמֵי חָמֵי וּדְלָא חָמֵי לָא חָמֵי, מַאי אַהֲנֵי לְרַמָּאָה בְּרַמָּאוּתֵיהּ וּלְזַיְיפָנָא בְּזַיְיפָנוּתֵיהּ, וּמְסַיְּימִין בָּהּ הָכִי: וַוי לְדִין כַּד יָקוּם דִּין.

And they hang gold on his neck weighing two hundred dinars, and cover the markets with onyx, and announce before him: The calculation [***sakh***] **of the master** [***kiri***][L] Jacob with regard to the time of the redemption is **fraudulent** [***plaster***];[LN] **the brother of our master,** i.e., Esau, **a forger.** They further announce: One **who witnesses** this festival **witnesses** it, **and whoever does not witness** it will **not** witness it ever, as it was celebrated only once every seventy years. **What purpose does deceit serve for the deceiver, and forgery for the forger? And they conclude in this** fashion: **Woe unto this** one, Esau, **when that** one, Jacob, **will arise,** as this will cause Esau's downfall.

NOTES

If it would entail that it becomes a *tereifa*, it is prohibited – שֶׁיֵּשׁ בָּהּ טְרֵיפָה אָסוּר: According to Rashi, the *baraita* is stating that if removing the hooves would render the animal a *tereifa*, it is prohibited to do so even if one does not intend to benefit from it. Some explain that according to Rashi this would violate the prohibition: Do not destroy, as one is rendering the animal unfit to be eaten (*Tosefot HaRash*). Others contend that this practice is prohibited because it causes the animal exceptional pain (Ritva).

Conversely, other early commentaries explain, based on versions of the *baraita* found in the *Tosefta* (*Shabbat* 7:19–20) and tractate *Semaḥot* (8:5), that the terms prohibited and permitted are referring to whether the animal may be eaten. If so, the *baraita* is teaching that even if the animal is rendered a *tereifa* and may not be eaten, it is still permitted to derive benefit from it, despite the fact that it had belonged to the deceased king (*Tosafot*).

BACKGROUND

When his long locks are left – הֲנָּחַת בְּלוֹרִיתוֹ: During the Roman Empire, many syncretic religions spread throughout the empire, combining local gods and rites with those of eastern gods, so that the rites of the Egyptian goddess Isis and her son Horus were prevalent, even reaching Germany. One of the pagan rites practiced in the worship of Isis and Horus involved growing parts of one's hair while shaving the remainder of the head, so that a braid remained, and the braid was consecrated to these gods. This hair was then cut and sacrificed as an offering in a festive ceremony.

They have another festival in Rome – עוֹד אַחֶרֶת יֵשׁ לָהֶם בְּרוֹמִי: This apparently is referring to the Roman festival known as the Secular Games, or in Latin, Ludi saeculares. This festival was originally intended to be held once every one hundred years, but in practice it would occur at shorter intervals. Before the festival, it was announced that it would be an event that the people had never witnessed and would never witness again. While the precise details of the Secular Games are unknown, apparently these festivities were accompanied by circus games, theater performances, and processions of various kinds.

LANGUAGE

Scalp [*karkifelo*] – קַרְקִיפְלוֹ: Related to the Greek κεφαλή, *kephalē*, meaning head. Here it is referring specifically to the scalp.

Master [*kiri*] – קִירִי: From the Greek κύριος, *kurios*, meaning master.

Fraudulent [*plaster*] – פְּלַסְתֵּר: From the Greek πλάστη, *plastē*, meaning mud wall. It is borrowed from there and in this context means a fraud or swindler.

NOTES

The calculation [*sakh*] of the master is fraudulent – סָךְ קִירִי פְּלַסְתֵּר: Some explain this statement as follows: The calculation of the master Jacob with regard to the time of the redemption is fraudulent (Rashi). Others disagree, claiming that the Romans would not refer to Jacob as a master. Instead, they maintain that the term: The master, is referring to Isaac, and it means that the blessings of Isaac that were given to Jacob were fraudulent (*Tosafot*). Alternatively, *sakh* means brother; some claim that it is a reversal of the letters of the Greek word for brother, κάσις, *casis*. The Romans were saying that Jacob, the brother of the master Esau, is a fraud (Rabbeinu Ḥananel).

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אָמַר רַב אַשִׁי: הִכְשִׁילָן פִּיהֶם לָרְשָׁעִים, אִי אָמְרוּ: "זַייפָנָא אַחוּהּ דְּמָרָנָא" – כִּדְקָאָמְרִי, הָשְׁתָּא דְּאָמְרִי: "דְּמָרָנָא זַייפָנָא" – מָרָנָא גּוּפֵיהּ זַייפָנָא הוּא.

Rav Ashi says: The mouths of these **wicked** people **have caused their downfall. Had they said: A forger** is **the brother of our master,** their claim would be interpreted **as they say** and wish to be understood. **Now that they say:** The brother **of our master, a forger;** they can be understood as saying: **It is our master himself** who is the **forger.**

וְתַנָּא דִּידָן מַאי טַעְמָא לָא קָחָשִׁיב לָהּ? לְהַאי דְּאִיתָא בְּכָל שַׁתָּא וְשַׁתָּא קָחָשִׁיב, דְּלֵיתָא בְּכָל שַׁתָּא וְשַׁתָּא לָא קָחָשִׁיב.

The Gemara asks: **And what is the reason** that **the *tanna* of our** mishna **does not count this** festival in his list of gentile festivals? The Gemara answers: The *tanna* of the mishna **counts those** festivals **that occur each and every year,** and **he does not count** those festivals **that do not occur each and every year.**

הָנֵי דְּרוֹמָאֵי, וְדַפָּרְסָאֵי מַאי? מוּטְרְדֵי וְטוּרְיַסְקֵי, מוֹהַרְנֵקֵי וּמוֹהַרִין. הָנֵי דְּפַרְסָאֵי וְדְרוֹמָאֵי, דְּבַבְלָאֵי מַאי? מוֹהַרְנֵקֵי וְאָקְנִיתֵיהּ, בְּחַנּוּנֵי וַעֲשַׂר בַּאֲדָר.

The Gemara comments: **Those** festivals enumerated in the mishna are the festivals **of the Romans.** The Gemara asks: **And what** are the idolatrous festivals **of the Persians?** The Gemara answers: ***Mutredei* and *Turyaskei*, *Moharnekei* and *Moharin*.**[B] The Gemara asks: **Those** are the festivals **of the Persians and the Romans,** and **what** are the festivals **of the Babylonians?** The Gemara answers: ***Moharnekei* and *Akenitei*, *Beḥanunei* and the tenth of Adar.**

אָמַר רַב חָנָן בַּר רַב חִסְדָּא אָמַר רַב, וְאָמְרִי לָהּ אָמַר רַב חָנָן בַּר רָבָא אָמַר רַב: חֲמִשָּׁה בָּתֵּי עֲבוֹדָה זָרָה קְבוּעִין הֵן, אֵלּוּ הֵן: בֵּית בֵּל בְּבָבֶל, בֵּית נְבוֹ בְּכוּרְסֵי, תִּרְעָתָא שֶׁבְּמָפַּג, צְרִיפָא שֶׁבְּאַשְׁקְלוֹן, נָשְׁרָא שֶׁבַּעֲרַבְיָא. כִּי אָתָא רַב דִּימִי, הוֹסִיפוּ עֲלֵיהֶן: יָרִיד שֶׁבְּעֵין בֶּכִי, נַדְבְּכָה שֶׁבְּעַכּוֹ. אִיכָּא דְּאָמְרִי: נַתְבְּרָא שֶׁבְּעַכּוֹ. רַב דִּימִי מִנְּהַרְדְּעָא מַתְנֵי אִיפְּכָא: יָרִיד שֶׁבְּעַכּוֹ, נַדְבְּכָה שֶׁבְּעֵין בֶּכִי.

§ **Rav Ḥanan bar Rav Ḥisda says** that **Rav says, and some say** that it was **Rav Ḥanan bar Rava** who **says** that **Rav says: There are five established temples**[N] **of idol worship,** and **they are: The temple of Bel in Babylonia;**[B] **the temple of Nebo**[B] **in** the city of **Khursei;** the temple of ***Tirata*, which is** located **in** the city of **Mapag;**[B] ***Tzerifa*, which is** located **in Ashkelon;**[B] and ***Nashra*, which is** located **in Arabia.**[B] **When Rav Dimi came** from Eretz Yisrael to Babylonia, he said: The Sages **added to these** places **the marketplace that is** located **in Ein Bekhi**[B] and ***Nadbekha*, which is** located **in Akko.**[B] **There are** those **who say** that Rav Dimi was referring to ***Natbera* that is** located **in Akko. Rav Dimi from Neharde'a teaches the opposite,** that it is the **marketplace that is** located **in Akko,** and ***Nadbekha* that is** located **in Ein Bekhi.**

אֲמַר לֵיהּ רַב חָנָן בַּר רַב חִסְדָּא לְרַב חִסְדָּא: מַאי קְבוּעִין הֵן? אֲמַר לֵיהּ, הָכִי אֲמַר אֲבוּהָ דְּאִימָּךְ: קְבוּעִין הֵן לְעוֹלָם, תִּדִּירָא כּוּלָּהּ שַׁתָּא פָּלְחִי לְהוּ.

Rav Ḥanan bar Rav Ḥisda said to Rav Ḥisda: What does it mean that these temples of idol worship **are established?** Rav Ḥisda **said to him: This is what your mother's father,** Rav Ḥanan bar Rava, **said:** In contrast to festivals, which last for one or several days, **they are always fixed** as the site of idol worship, as **constantly, all year** round, **worship** takes place there.

NOTES

There are five established temples – חֲמִשָּׁה...קְבוּעִין הֵן: The Gemara is stating that in contrast to other places, which host festivals lasting for one or several days, these locations are the sites of idol worship year round, and therefore Jews are permanently barred from engaging in business there.

BACKGROUND

***Moharnekei* and *Moharin* – מוֹהַרְנֵקֵי וּמוֹהַרִין:** It is difficult to ascertain the precise reference of these terms, as there are many variant texts, with different versions of the names. *Moharnekei* probably refers to the Persian festival *Mihragan*, which was celebrated at the beginning of the rainy season.

Temple of Bel in Babylonia – בֵּית בֵּל בְּבָבֶל: The chief Babylonian deity was known as Bel. The Babylonians built a large temple in Esagila in his honor, descriptions of which figure in ancient Greek sources. This temple was destroyed by the Persians during the reign of Cyrus, but it was later rebuilt and continued to stand for many generations.

Temple of Nebo – בֵּית נְבוֹ: Nebo, or Nabu, was the name of the Babylonian deity who was believed to be the patron of prophecy and writing. The name Nebo is incorporated in the names of several Babylonian kings, e.g., Nebuchadnezzar. A large temple of his, a ziggurat, was located near Babylon.

Temple of *Tirata* which is in Mapag – תִּרְעָתָא שֶׁבְּמָפַּג: *Tirata* is referring to the deity originally worshipped by Syrians, Atargatis. Her principal temple was located in the Syrian city referred to in Latin sources as Mabbog, or modern-day Manbij. The image of this deity appears on many coins from this city.

***Tzerifa* which is in Ashkelon – צְרִיפָא שֶׁבְּאַשְׁקְלוֹן:** This is understood as referring to a serapeum, a site of the cult of the deity Serapis, near Ashkelon.

BACKGROUND

***Nashra* which is in Arabia – נָשְׁרָא שֶׁבַּעֲרַבְיָא:** This is assumed to be a reference to the rites of the principal Nabatean deity Dushara, which was worshipped in Arabia, the Roman province that encompassed the Nabatean state.

The marketplace that is in Ein Bekhi – יָרִיד שֶׁבְּעֵין בֶּכִי: Ein Bekhi is apparently the spring of the city Baalbek, in Lebanon, which was called Heliopolis in the Roman period. On this location several magnificent temples were constructed for different gods, whose rites were held on a constant basis year round.

***Nadbekha* which is in Akko – נַדְבְּכָה שֶׁבְּעַכּוֹ:** *Natbera* is perhaps a derogatory term meaning breaking or shattering. *Nadbekha* might denote an altar [*mizbe'aḥ*], i.e., the location where rituals took place in Akko.

Djinn blocks built in honor of Dushara in Jordan

Above: Remains of the temple of Jupiter in Baalbek

Right: Depiction of the temple of Jupiter at Baalbek with altar shown in the center of the main plaza

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אָמַר שְׁמוּאֵל: בַּגּוֹלָה אֵינוֹ אָסוּר אֶלָּא יוֹם אֵידָם בִּלְבַד. וְיוֹם אֵידָם נַמִּי מִי אֲסִיר? וְהָא רַב יְהוּדָה שָׁרָא לֵיהּ לְרַב בְּרוּנָא לְזַבּוּנֵי חַמְרָא, וּלְרַב גִּידֵּל – לְזַבּוּנֵי חִיטִּין בְּחַגְּתָא דְּטַיָּיעֵי! שָׁאנֵי חַגְּתָא דְּטַיָּיעֵי, דְּלָא קְבִיעָא.

§ **Shmuel says:** The *halakha* is that **in the Diaspora,** engaging in business with gentiles **is prohibited only** on **the day of their festival** itself, not during the days preceding and following the festival. Since Jews live among the gentiles, they are unable to refrain from engaging in business with them for such an extended period. The Gemara asks: **And is** it **prohibited even** on **their festival day** itself? **But didn't Rav Yehuda permit Rav Beruna to sell wine** to gentiles, **and** permitted **Rav Giddel to sell wheat, on the festival of the Arab** merchants?[NH] The Gemara answers: **The festival of the Arab** merchants **is different, as** it does **not** have **a fixed** time, and therefore the Sages did not include it in the prohibition.

מתני׳ עִיר שֶׁיֵּשׁ בָּהּ עֲבוֹדָה זָרָה – חוּצָה לָהּ מוּתָּר. הָיָה חוּצָה לָהּ עֲבוֹדָה זָרָה – תּוֹכָהּ לָהּ מוּתָּר. מַהוּ לֵילֵךְ לְשָׁם? בִּזְמַן שֶׁהַדֶּרֶךְ מְיוּחֶדֶת לְאוֹתוֹ מָקוֹם – אָסוּר, וְאִם הָיָה יָכוֹל לְהַלֵּךְ בָּהּ לְמָקוֹם אַחֵר – מוּתָּר.

MISHNA In the case of **a city in which there is** active **idol worship,**[NH] it is **permitted** to engage in business transactions with gentiles who live **outside of** the city. If the **idol worship** is **outside** the city, it is **permitted** to engage in business **within** the city. **What is** the *halakha* with regard to **traveling there,**[N] a place where a pagan festival is being celebrated? **When the road is designated**[H] only **for that place,** it is **prohibited** to use the road, as onlookers will assume that the traveler intends to join the festival. **But if one were able to travel on it to** arrive at **another place,** it is **permitted** to use the road to reach the place that is observing the festival.

גמ׳ הֵיכִי דָּמֵי חוּצָה לָהּ? אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ מְשׁוּם רַבִּי חֲנִינָא: כְּגוֹן עַטְלוּזָא שֶׁל עַזָּה. וְאִיבָּא דְּאָמְרִי, בְּעָא מִינֵּיהּ רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ מֵרַבִּי חֲנִינָא: עַטְלוּזָא שֶׁל עַזָּה, מַהוּ? אֲמַר לֵיהּ: לֹא הָלַכְתָּ לְצוֹר מִימֵּיךָ, וְרָאִיתָ יִשְׂרָאֵל וְגוֹי

GEMARA The Gemara asks: **What are the circumstances** that determine whether a place is sufficiently far from a city to be considered **outside of it? Rabbi Shimon ben Lakish says in the name of Rabbi Ḥanina:** A place that is far enough away is, **for example, the bazaar** [*atluza*][L] **of Gaza,** which is located outside the city walls. **And some say** that **Rabbi Shimon ben Lakish asked Rabbi Ḥanina** about this issue: **What is** the *halakha* with regard to **the bazaar of Gaza?**[N] May one conduct business there on the day of a festival celebrated in Gaza? Rabbi Ḥanina **said to him: Did you never in your lifetime travel to Tyre and see a Jew and a gentile**

NOTES

On the festival of the Arab merchants – בְּחַגְּתָא דְּטַיָּיעֵי: Arab merchants would gather and celebrate a festival, in which they would engage in idol worship. As this festival was held only when the merchants had the opportunity to do so, and did not have a fixed date or occur every year, the Sages did not include it in the prohibition. Alternatively, since only the merchants celebrated the festival, a small proportion of the city's residents, it was not considered a festival of the whole city. Rather, it is prohibited to engage in business only with individuals of the group who celebrate the festival, as it is their private festival (Meiri).

City in which there is active idol worship – עִיר שֶׁיֵּשׁ בָּהּ עֲבוֹדָה זָרָה: Rashi explains that the mishna is referring to a city that is celebrating a pagan festival, and that the prohibition against engaging in business applies only on that day. Others suggest that the mishna is referring not to the day of a festival but to a fair that is conducted in honor of idolatry (Ra'avad, based on *Tosefta*).

According to the Rambam, the prohibited act in the mishna is not the engaging in business transactions, but entering the city, in accordance with the injunction to distance oneself from idol worship. See the extensive analysis in the Rambam's Commentary on the Mishna.

What is the *halakha* with regard to traveling there – מַהוּ לֵילֵךְ לְשָׁם: The mishna's question is whether it is permitted to travel to the city on the day of the pagan festival if the traveler does not intend to engage in business and has another reason for going there. Alternatively, according to the explanation of the Rambam, the mishna first establishes that it is prohibited to enter the city, and then asks whether one may pass through it in order to reach another city.

What is the *halakha* with regard to the bazaar [*atluza*] of Gaza – עַטְלוּזָא שֶׁל עַזָּה מַהוּ: Rashi explains that the *atluza* was an animal market situated very near Gaza and that Reish Lakish is asking whether it is considered outside of the city, in terms of the criteria of the mishna. Others maintain that *atluza* is the name of a form of idol worship, which was found near the city (Rashbam). If so, Reish Lakish's question is whether it is prohibited to engage in trade with the members of the city on the day of the festival for *atluza*.

LANGUAGE

Bazaar [*atluza*] – עַטְלוּזָא: From the Greek κατάλυσις, *katalusis*, meaning a resting place, guest chamber, quarters, or lodging. This word appears in other sources as *katluza*, *atlis*, and *atliz*.

HALAKHA

In the Diaspora…on the festival of the Arab merchants – בַּגּוֹלָה...בְּחַגְּתָא דְּטַיָּיעֵי: The prohibition against engaging in business transactions with gentiles during the three days preceding their festival applies only in Eretz Yisrael. In all other places, the prohibition applies only on the day of the festival itself, in accordance with the opinion of Shmuel. If the festival is not fixed, in that it does not take place every year, there is no prohibition against engaging in business even on the day of the festival itself (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 148:4 and *Shakh* there).

City in which there is active idol worship – עִיר שֶׁיֵּשׁ בָּהּ עֲבוֹדָה זָרָה: If a city conducts a fair on the day of their festival, drawing together gentiles from many other locations who come to the city in honor of the idol, it is prohibited to enter the city, but it is permitted to travel to a location outside of it. If the fair is held outside the city, it is permitted to enter the city and to engage in business there. This ruling is in accordance with the mishna, as explained by Rabbeinu Yona and the Rosh (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:9; *Shulḥan Arukh*, *Yoreh De'a* 149:1 and *Beur HaGra* there).

When the road is designated, etc. – בִּזְמַן שֶׁהַדֶּרֶךְ מְיוּחֶדֶת וכו': One is not permitted to travel through a city that is celebrating a pagan festival, if the road leads solely to that city. But if the road leads to another city as well, it is permitted to do so. This *halakha* applies only with regard to a non-resident of the city, as a resident is permitted to enter the city in all cases. Moreover, those traveling in caravans are also permitted to enter, in accordance with the ruling of the Jerusalem Talmud. Likewise, if there are more than ten Jews in the city, it is permitted (*Shakh*). Some authorities maintain that if it is prohibited to enter a place then one may not do so even for the public good, and even in order to save a life (*Tur*, citing Rashba). The Ran contends that in a life-threatening situation it is permitted (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:10; *Shulḥan Arukh*, *Yoreh De'a* 149:1–2, and see the comment of Rema).

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שֶׁשָּׁפְתוּ שְׁתֵּי קְדֵירוֹת עַל גַּבֵּי כִּירָה אַחַת, וְלֹא חָשׁוּ לָהֶם חֲכָמִים! מַאי "לֹא חָשׁוּ לָהֶם חֲכָמִים"?

place two pots on one stove, and yet **the Sages were not concerned** and did not issue a prohibition with regard to the meat that was in the pot belonging to the Jew, despite the fact that forbidden food was in close proximity to the permitted food? Similarly, in this case as well, the Sages were not concerned about the bazaar's proximity to Gaza and did not prohibit engaging in business there. The Gemara asks: **What** did he mean in stating: **The Sages were not concerned,** with regard to the meat, and how does that case relate the issue here?

אֲמַר אַבַּיֵי: מִשּׁוּם בְּשַׂר נְבֵילָה, לָא אָמְרִינַן: דִּלְמָא מַהֲדַר אַפֵּיהּ יִשְׂרָאֵל לַאֲחוֹרֵיהּ וְשָׁדֵי גּוֹי נְבֵילָה בַּקְּדֵירָה, דִּכְוָותָהּ הָכָא נַמִי לֹא חָשׁוּ לָהֶם חֲכָמִים מִשּׁוּם דְּמֵי עֲבוֹדָה זָרָה.

Abaye said: The Sages were not concerned **with regard to** the possibility of eating the **meat** of an unslaughtered **animal carcass. We do not say:** Cooking in this manner is prohibited since **perhaps the Jew** will **turn his face and** at that moment **the gentile** will **throw** meat of **an animal carcass into** his **pot. Here too, in the corresponding** situation, although the permitted and prohibited places are in close proximity, **the Sages were not concerned** about engaging in business transactions in the bazaar of Gaza, even **due to** the possibility that **money** associated with **idol worship** would end up in the hands of the Jews. If the money were for the purchase of an animal used as an offering for idolatry, those coins would be prohibited by Torah law. Nevertheless, the Sages were not concerned about this possibility, just as they were not concerned that the gentile might add his meat to the Jew's pot.

רָבָא אָמַר: מַאי "לֹא חָשׁוּ לָהֶם חֲכָמִים"? מִשּׁוּם בִּישׁוּלֵי גּוֹיִם,

Rava said[N] that there is a different explanation. The Sages were not lenient in the face of a potential violation of Torah law, but were lenient in a case where it was rabbinic law that might be violated. As for Rabbi Ḥanina's comparison to pots in Tyre, there is no concern that a gentile might throw his meat into the pot of a Jew, as he would derive no benefit from doing so and would be afraid that the Jew might see him. By contrast, here the gentile is engaged in business. Rather, **what** is it that **the Sages were not concerned about** in the case of the pots? Although the gentile is cooking food next to the Jew, there is no concern **with regard to** the possibility that the gentile might cook the Jew's food, causing the latter to violate the rabbinic prohibition against eating **food cooked by gentiles.**[N]

דִּכְוָותָהּ הָכָא נַמִי לֹא חָשׁוּ לָהֶם חֲכָמִים מִשּׁוּם יוֹם אֵידָם.

Rava concludes: **Here too, in the corresponding** situation, it is referring to a case where the coins were the gentile's own money. **The Sages were not concerned** about engaging in business transactions in the bazaar of Gaza, even **due to** the possibility that the Jew might be engaging in business with residents of Gaza on **their festival day,** which would be a violation of rabbinic law.

רַבָּה בַּר עוּלָּא אָמַר: לֹא חָשׁוּ לָהֶם חֲכָמִים מִשּׁוּם צִינּוֹרָא,

Rabba bar Ulla says: Even if the concern in the case of the pots applied only to the gentile cooking the Jew's food, not the consumption of non-kosher meat, with regard to the bazaar the *halakha* would not be comparably lenient. The reason is the Jew need only stir the coals once to do to ensure that the food in his pot is not considered cooked by a gentile, an option that does not apply here. Rather, in the case mentioned by Rabbi Ḥanina, **the Sages were not concerned with regard to** the possibility that food might **splatter** [***tzinnora***][NL] from the gentile's pot into the Jew's pot. This is an especially lenient case, both because this is an unlikely possibility and because that small amount of food would be nullified by a majority of the Jew's food.

דִּכְוָותָהּ הָכָא נַמִי לֹא חָשׁוּ לָהֶם חֲכָמִים מִשּׁוּם לִפְנֵי אֵידֵיהֶן.

Rabba bar Ulla concludes: **Here too, in the corresponding** situation, **the Sages were not concerned** about engaging in business transactions in the bazaar of Gaza **with regard to** the days **before the festival**[N] **of** Gaza. This is an analogous case to that of the splattered food, as it is outside the festival in both time and place.

NOTES

Rava said, etc. – רָבָא אָמַר וכו': Some commentaries explain that Abaye, Rava, and Rabba bar Ulla do not disagree with each other, but are simply offering different explanations (see Meiri). Others hold that the three disagree with regard to the level of severity of the prohibition that did not concern the Sages. According to this interpretation, Rava's opinion is more stringent than that of Abaye, and Rabba bar Ulla's opinion is yet more stringent than that of Rava (Rashi; *Tosafot*). Yet others contend that according to Rava, unlike Abaye, money received by a gentile from the sale of an animal used as an offering for idol worship is not prohibited at all (Ra'avad).

With regard to food cooked by gentiles – מִשּׁוּם בִּישׁוּלֵי גּוֹיִם: The concern is that the Jew might forget that food cooked by a gentile is prohibited and rely on the gentile to cook his food for him (Rashi). Others explain that when the Jew is not aware, the gentile might remove the Jew's pot from the fire before it is cooked and return it to the flame, as in that case the food is considered to be cooked by the gentile (Rabbeinu Yona). Alternatively, the concern is that perhaps the two pots would be switched (Ramban).

With regard to the possibility that food might splatter – מִשּׁוּם צִינּוֹרָא: The Sages were not concerned that during the cooking process part of the gentile's dish might splatter into the Jew's pot. Alternatively, despite the decree that spittle from a gentile is ritually impure (see *Nidda* 34a), the Sages were not concerned that some might spray from the gentile's mouth into the pot of the Jew (Rabbeinu Ḥananel).

With regard to the days before the festival – מִשּׁוּם לִפְנֵי אֵידֵיהֶן: According to some early commentaries, this means that the Sages did not prohibit engaging in business transactions with the participants of the bazaar during the days preceding the festival, despite the fact that it is prohibited to do so with the residents of the city. This explanation is based on the assumption that Rabba bar Ulla rules more severely than Rava, maintaining that on the day of the festival itself it is prohibited to engage in business even in the bazaar near Gaza. If so, the mishna, which permits business transactions with gentiles who live outside the city, is referring to more distant locations than the bazaar of Gaza (Rashi; Rabbeinu Ḥananel). Other early commentaries disagree, and contend that Rabba bar Ulla is referring to the day of the festival itself: The Sages determined that it would be too far-reaching to prohibit trade with the residents of Gaza on the day of the festival in the bazaar, even due to a concern lest Jews come to trade with the members of the bazaar on the days preceding their festival (Ra'avad).

LANGUAGE

Splatter [*tzinnora*] – צִינּוֹרָא: Apparently related to *tzinnor*, a hollow pipe or spout through which water flows. *Tzinnora* can also refer to a trickle of liquid, or in this case a spray of food or spittle.

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״מַהוּ לֵילֵךְ לְשָׁם״ וכו׳. תָּנוּ רַבָּנַן: עִיר שֶׁיֵּשׁ בָּהּ עֲבוֹדָה זָרָה – אָסוּר לִיכָּנֵס לְתוֹכָהּ וְלֹא מִתּוֹכָהּ לְעִיר אַחֶרֶת, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: כָּל זְמַן שֶׁהַדֶּרֶךְ מְיוּחֶדֶת לְאוֹתוֹ מָקוֹם – אָסוּר, אֵין הַדֶּרֶךְ מְיוּחֶדֶת לְאוֹתוֹ מָקוֹם – מוּתָּר.

§ The mishna teaches: **What is** the *halakha* with regard to **traveling there,** a place that is celebrating a pagan festival? If the road leads only to that place, it is prohibited, but if the road leads to another place as well, it is permitted. In this connection, the Gemara cites a related *baraita*. **The Sages taught:** In the case of **a city in which there is** active **idol worship,** i.e., its residents are worshipping their idol on that day, it is **prohibited to enter** the city, **and** one may **not** leave **it for another city;** this is **the statement of Rabbi Meir. And the Rabbis say: As long as the road is designated** only **for that place,** it is **prohibited** to enter the city. But if **the road is not designated for** only **that place,** it is **permitted.**

יָשַׁב לוֹ קוֹץ בִּפְנֵי עֲבוֹדָה זָרָה – לֹא יִשְׁחֶה וְיִטְלֶנָּה, מִפְּנֵי שֶׁנִּרְאֶה כְּמִשְׁתַּחֲוֶה לַעֲבוֹדָה זָרָה, וְאִם אֵינוֹ נִרְאֶה – מוּתָּר. נִתְפַּזְּרוּ לוֹ מְעוֹתָיו בִּפְנֵי עֲבוֹדָה זָרָה – לֹא יִשְׁחֶה וְיִטְלֵם, מִפְּנֵי שֶׁנִּרְאֶה כְּמִשְׁתַּחֲוֶה לַעֲבוֹדָה זָרָה, וְאִם אֵינוֹ נִרְאֶה – מוּתָּר.

The *baraita* continues: If **a thorn became imbedded**[H] in one's foot while he was standing **before** an object of **idol worship, he may not bend down and remove** the thorn, **because he appears to be bowing down to** the object of **idol worship; but if he is not seen,** it is **permitted.** If **one's coins were scattered** while he is **before** an object of **idol worship, he may not bend down and pick them up, because he appears to be bowing down to** the object of **idol worship; but if he is not seen,** it is **permitted.**

מַעְיָן הַמּוֹשֵׁךְ לִפְנֵי עֲבוֹדָה זָרָה – לֹא יִשְׁתֶּה וְיִשְׁתֶּה, מִפְּנֵי שֶׁנִּרְאֶה כְּמִשְׁתַּחֲוֶה לַעֲבוֹדָה זָרָה, וְאִם אֵינוֹ נִרְאֶה – מוּתָּר. פַּרְצוּפוֹת הַמְקַלְּחִין מַיִם לְכַרְכִּין – לֹא יַנִּיחַ פִּיו עַל פִּיהֶם וְיִשְׁתֶּה, מִפְּנֵי שֶׁנִּרְאֶה כְּמְנַשֵּׁק לַעֲבוֹדָה זָרָה; כַּיּוֹצֵא בּוֹ, לֹא יַנִּיחַ פִּיו עַל סִילוֹן וְיִשְׁתֶּה, מִפְּנֵי הַסַּכָּנָה.

Likewise, if there is **a spring that runs before** an object of **idol worship,** one **may not bend down and drink** from it, **because he appears to be bowing down to** the object of **idol worship; but if he is not seen,** it is **permitted.** With regard to figures of human **faces** [***partzufot***][L] **that spray water**[BH] **in the cities,**[N] i.e., fountains, **one may not place his mouth on the mouths of** the figures **and drink, because he appears to be kissing** the object of **idol worship. Similarly, one may not place his mouth on a pipe** [***sillon***][LH] **and drink,** here **due to the danger** that this practice poses.

LANGUAGE

Faces [*partzufot*] – פַּרְצוּפוֹת: From the Greek πρόσωπον, *prosopon*, meaning mask or countenance.

Pipe [*sillon*] – סִילוֹן: From the Greek σωλήν, *solēn*, meaning pipe or channel.

BACKGROUND

Faces that spray water – פַּרְצוּפוֹת הַמְקַלְּחִין מַיִם: Throughout the ancient world, and in some locations even nowadays, cities would establish public water fountains to provide drinking water for the public. While many were quite simple, others had different shapes, at times resembling faces. Occasionally these were faces of worshipped deities, but most were made for aesthetic purposes alone. Nevertheless, it is still prohibited to place one's face on that of the figure, as this has the appearance of kissing it.

Fountain found in Pompeii depicting the Roman god Mercury

HALAKHA

If a thorn became imbedded, etc. – יָשַׁב לוֹ קוֹץ וכו׳: If a thorn became imbedded in one's foot while he was standing before an object of idol worship, he may not bend down and remove the thorn. This is to prevent the appearance of bowing down to the idol. Similarly, if his coins were scattered before an idol, he may not bend down and retrieve them; rather, he should sit and then pick them up, or turn his back or side toward the idol, and only then pick them up. The *Shakh* adds, citing the *Perisha*, that the prohibition applies even in a private chamber where no one will observe his behavior (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:7; *Shulḥan Arukh*, *Yoreh De'a* 150:2).

Faces that spray water – פַּרְצוּפוֹת הַמְקַלְּחִין מַיִם: It is prohibited to drink from or to place one's mouth on the face of a human figure that sprays water before objects of idol worship. This is in accordance with the Rif's version of the text. According to this interpretation, if the figures are not located in front of objects of idol worship, it is permitted to do so. This is not in accordance with the version of the text here, which states that the figures were found in cities, indicating that their function was aesthetic. Nevertheless, one who acts stringently and refrains from doing so in all cases will be blessed (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:8; *Shulḥan Arukh*, *Yoreh De'a* 150:3, and see *Shakh* and *Taz* there).

One may not place his mouth on a pipe, etc. – לֹא יַנִּיחַ פִּיו עַל סִילוֹן וכו׳: Many prohibitions were established by the Sages to prevent people from acting in a potentially dangerous fashion. These prohibitions are binding, and one who disregards them is punished with lashes for rebelliousness. One such prohibition is the injunction not to drink by placing his mouth on a pipe, in case he swallows a leech. This is in accordance with the *baraita* and the Gemara's explanation on 12b (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:5–6; *Shulḥan Arukh*, *Yoreh De'a* 116:5 and *Ḥoshen Mishpat* 427:9).

NOTES

That spray water in the cities – הַמְקַלְּחִין מַיִם לְכַרְכִּין: Apparently, these figures serve an aesthetic function, rather than functioning as objects of idol worship. For this reason, the *baraita* notes that they are in cities, as statues of this kind were found specifically in large cities (Rashi). Nevertheless, it is prohibited to place one's mouth on the mouth of the figures, as it looks as though he is kissing an idol. Others contend that these figures were positioned directly before objects of idol worship, which is why it appears as though one were kissing an actual object of idol worship (Rambam; see Rif). Some maintain that these figures represented deities that were worshipped (Ra'ah).

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מַאי "אֵינוֹ נִרְאֶה"? אִילֵימָא דְּלָא מִתְחֲזֵי, וְהָאָמַר רַב יְהוּדָה אָמַר רַב: כָּל מָקוֹם שֶׁאָסְרוּ חֲכָמִים מִפְּנֵי מַרְאִית הָעַיִן, אֲפִילּוּ בְּחַדְרֵי חֲדָרִים אָסוּר! אֶלָּא אֵימָא: אִם אֵינוֹ נִרְאֶה כְּמִשְׁתַּחֲוֶה לַעֲבוֹדָה זָרָה – מוּתָּר.

The Gemara asks: **What** does the *baraita* mean when it states: If **he is not seen? If we say** it means **that he is not seen** by others, **doesn't Rav Yehuda say** that **Rav says: Wherever the Sages prohibited** an action **due to the appearance** of prohibition,[H] **it is prohibited even in the innermost chambers**[N] where no one will see it, as the Sages did not distinguish between different circumstances in such cases. Accordingly, the fact that he is not seen by anyone should make no difference with regard to whether or not the action is prohibited. **Rather, say: If he is not seen as one who bows down to** an object of **idol worship,** i.e., he turns his side or back to the idol, then it is **permitted.**

וּצְרִיכָא, דְּאִי תְּנָא קוֹץ – מִשּׁוּם דְּאָפְשָׁר לְמֵיזַל קַמֵּיהּ וּמִשְׁקְלֵיהּ, אֲבָל מָעוֹת דְּלָא אָפְשָׁר אֵימָא לָא;

The Gemara comments: **And** it is **necessary** for the *baraita* to list all of these cases, notwithstanding their similarity. **As, if** it had **taught** only the case of the **thorn,** one might have thought that bending down to remove a thorn is prohibited **because it is possible to walk past** the figure, **and** only then **take** out the thorn. **But** in the case of the **coins, where it is not possible** to collect them elsewhere, you might **say** that it is **not** prohibited to pick them up.

וְאִי תְּנָא מָעוֹת – דְּמָמוֹנָא, אֲבָל קוֹץ דְּצַעֲרָא אֵימָא לָא; וְאִי תְּנָא הָנֵי תַּרְתֵּי – מִשּׁוּם דְּלֵיכָּא סַכָּנָה, אֲבָל מַעְיַן דְּאִיכָּא סַכָּנָה, דְּאִי לָא שָׁתֵי, מָיֵית – אֵימָא לָא, צְרִיכָא.

And furthermore, **if** the *baraita* had **taught** only the case of the **coins,** one might have thought that the reason for the stringent ruling is **that** the loss is purely **financial. But** in the case of the **thorn, which** causes him **pain,** you might **say** that it is **not** prohibited to remove it. **And** finally, **if** the *baraita* had **taught** only **these two** cases, one might have thought that they are prohibited **because there is no danger** if the action is not performed on the spot. **But** in the case of the **spring, where there is** an element of **danger,**[H] **that if he does not drink he** might **die,** one could **say** that it is **not** prohibited. Therefore, it is **necessary** to state each example.

HALAKHA

Wherever the Sages prohibited an action due to the appearance of prohibition – כָּל מָקוֹם שֶׁאָסְרוּ חֲכָמִים מִפְּנֵי מַרְאִית הָעַיִן: If one's garments become wet on Shabbat, it is permitted to continue walking in them, and he need not be concerned that water will be squeezed from them. Nevertheless, one may not lay them out to dry, as this creates the impression that he laundered the clothing on Shabbat. Since the Sages prohibited laying out wet clothes, one may not do so even in the innermost chambers where no one will observe, in accordance with Rav's statement. Some *ge'onim* disagree with this ruling. Therefore, in the case of prohibitions that apply by rabbinic law, one may rely on the lenient opinion of the *ge'onim* (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 22:20; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 301:45 and *Beur Halakha* there).

The spring where there is an element of danger – מַעְיַן דְּאִיכָּא סַכָּנָה: Some say that whenever the reason for a prohibition is due to the appearance of prohibition, if its observance entails danger, one should violate the prohibition. For example, if one will die if he does not drink from a spring, he should drink from it despite the prohibition, as he is not required to give up his life rather than violate such a prohibition (Ran). Others hold that if there is a concern for the appearance of idol worship then the action is prohibited even in order to save a life (*Shulḥan Arukh*, *Yoreh De'a* 150:3, in the comment of Rema, and see *Beur HaGra* there).

NOTES

It is prohibited even in the innermost chambers – אֲפִילּוּ בְּחַדְרֵי חֲדָרִים אָסוּר: The Sages did not distinguish between various circumstances in the application of their decrees, especially as one cannot know for certain that he is not being observed.

Perek **I**
Daf **12** Amud **b**

פִּרְצוּפוֹת לָמָּה לִי? מִשּׁוּם דְּקָבָעֵי לְמֵיתְנֵי: כַּיּוֹצֵא בּוֹ לֹא יַנִּיחַ פִּיו עַל גַּבֵּי הַסִּילּוֹן וְיִשְׁתֶּה, מִפְּנֵי הַסַּכָּנָה.

The Gemara asks: **Why do I** need the *baraita* to teach that it is prohibited to drink from fountains formed in the figure of human **faces?** If the reason is to teach the *halakha* in a life-threatening situation, the *baraita* already addressed this issue in the case of the spring. The Gemara answers: It was included **because** the *baraita* **wanted to teach** the continuation of that *halakha*:[N] **Similarly, one may not place his mouth on a pipe and drink, due to the danger** that this poses.

מַאי סַכָּנָה? עֲלוּקָה. תָּנוּ רַבָּנַן: לֹא יִשְׁתֶּה אָדָם מַיִם לֹא מִן הַנְּהָרוֹת וְלֹא מִן הָאֲגַמִּים, לֹא בְּפִיו וְלֹא בְּיָדוֹ אַחַת, וְאִם שָׁתָה – דָּמוֹ בְּרֹאשׁוֹ, מִפְּנֵי הַסַּכָּנָה. מַאי סַכָּנָה? סַכָּנַת עֲלוּקָה.

The Gemara inquires: **What danger** is the *baraita* referring to here? It is referring to the danger of swallowing **a leech**[B] in the water. As **the Sages taught: A person should not drink**[H] **water from rivers or from ponds either** by drinking from the water directly **with his mouth, or** by collecting the water **with one hand** alone.[N] **And if he drank** in this manner, **his blood is upon his** own **head, due to the danger.** The Gemara explains: **What** is this **danger?** It is **the danger of** swallowing **a leech.**

NOTES

Because the *baraita* wanted to teach the continuation of that *halakha* – דְּקָבָעֵי לְמֵיתְנֵי: The prohibition against drinking directly from a pipe is comparable to the prohibition against drinking directly from a fountain formed in the figure of a human face. The *baraita* could not have compared drinking from a pipe to the prohibition against bending down and drinking from a spring, as in that case one can avoid the danger by bending down and collecting the water while examining it before drinking (Rashi).

Or by collecting the water with one hand alone – וְלֹא בְּיָדוֹ אַחַת: When one collects water with one hand, he places it straight in his mouth without examining if there are any leeches in the water. It is permitted to collect water with both hands, as one is able to examine it for leeches before drinking (Rashi).

HALAKHA

A person should not drink, etc. – לֹא יִשְׁתֶּה אָדָם וכו': One should not drink water directly from rivers or from ponds at night lest he endanger himself by swallowing a leech. This is in accordance with the Rif, Rabbeinu Yitzḥak, and Rabbeinu Ḥananel's version of the text (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:6; *Shulḥan Arukh*, *Yoreh De'a* 116:5 and *Ḥoshen Mishpat* 427:9).

BACKGROUND

Leech – עֲלוּקָה: A leech is a segmented worm from the subclass Hirudinea, with a length ranging between 2 and 51 cm, depending on the species. Leeches are generally bloodsucking parasites. When they are small they are similar in appearance to threads, and they thicken as they suck more blood. Leeches were often used for bloodletting. They typically have two suckers, one at each end of their body. Some leeches have sharp jaws at the center of the anterior sucker with which they cut the skin of the animal to which they attach themselves.

Bloodletting was, and still is, performed mainly with a well-known type of leech, the medical leech, *Hirudo medicinalis*. One can find the Nile leech, *Limnatis nilotica*, in springs and other bodies of water in Eretz Yisrael. It would attach itself to people drinking water from these sources, and they would use warm water and vinegar to kill it.

Medical leech

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מְסַיְּיעַ לֵיהּ לְרַבִּי חֲנִינָא, דְּאָמַר רַבִּי חֲנִינָא: הַבּוֹלֵעַ נִימָא שֶׁל מַיִם – מוּתָּר לְהָחֵם לוֹ חַמִּין בְּשַׁבָּת; וּמַעֲשֶׂה בְּאֶחָד שֶׁבָּלַע נִימָא שֶׁל מַיִם, וְהִתִּיר רַבִּי נְחֶמְיָה לְהָחֵם לוֹ חַמִּין בְּשַׁבָּת. אַדְּהָכִי וְהָכִי? אָמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: לִיגְמַע חַלָּא.

This **supports** the opinion of **Rabbi Ḥanina, as Rabbi Ḥanina says:** In the case of **one who swallows a water leech** [*nima*],[HL] it is **permitted to** perform labor on Shabbat and **heat water for him** to drink **on Shabbat,** as his life is in danger. **And** in fact there was **an incident involving one who swallowed a water leech, and Rabbi Neḥemya permitted** them **to heat water for him on Shabbat.** The Gemara asks: **In the meantime,** until the water is ready, what should he do? **Rav Huna, son of Rav Yehoshua, said: He should swallow vinegar.**

אָמַר רַב אִידִי בַּר אָבִין: הַאי מַאן דְּבָלַע זִיבּוּרָא – מִחְיָיא לָא חַיֵּי, מִיהוּ לִשְׁקְיֵהּ רְבִיעְתָּא דְּחַלָּא שַׁמְגָּז, אָפְשָׁר דְּחַיֵּי פּוּרְתָּא עַד דְּמַפְקִיד אַבֵּיתֵיהּ.

Rav Idi bar Avin said: One who swallowed a hornet[B] **will not live,** as the hornet will sting him to death. **Nevertheless, they should give him a quarter-*log* of sharp** [*shamgaz*][L] **vinegar to drink.** In this manner **it is possible that he will live** for **a bit** longer **until he can instruct his household** with regard to his final wishes before dying.

תָּנוּ רַבָּנַן: לֹא יִשְׁתֶּה אָדָם מַיִם בַּלַּיְלָה, וְאִם שָׁתָה – דָּמוֹ בְּרֹאשׁוֹ, מִפְּנֵי הַסַּכָּנָה. מַאי סַכָּנָה? סַכָּנַת שַׁבְרִירֵי. וְאִם צָחֵי, מַאי תַּקָּנְתֵּיהּ? אִי אִיכָּא אַחֲרִינָא בַּהֲדֵיהּ, לִיתְרְעֵיהּ וְלֵימָא לֵיהּ: ״צָחֵינָא מַיָּא״; וְאִי לָא, נְקַרְקֵשׁ בְּנִכְרְתָּמָא אַחֲצְבָא, וְנֵימָא אִיהוּ לְנַפְשֵׁיהּ: ״פְּלָנְיָא בַּר פְּלָנִיתָא, אָמְרָה לָךְ אִימָּךְ אִזְדַּהַר מִשַּׁבְרִירֵי בְּרִירֵי רִירֵי יְרֵי רֵי בְּכָסֵי חִיוָּרֵי״.

The Sages taught: A person should not drink water at night. And if he drank, his blood is upon his own **head, due to the danger.** The Gemara asks: **What** is this **danger?** The Gemara answers: **The danger of** the ***shavrirei,***[LN] an evil spirit that rules over water. **And if he is thirsty, what is his remedy? If there is another** person **with him, he should wake him and say to him: I thirst for water,** and then he may drink. **And if** there is **no** other person with him, **he should knock with the lid on the jug and say to himself: So-and-so, son of so-and-so, your mother said to you** to **beware of** the ***shavrirei verirei***[N] ***rirei yirei rei,*** found **in white cups.** This is an incantation against the evil spirit.

מתני׳ עִיר שֶׁיֵּשׁ בָּהּ עֲבוֹדָה זָרָה, וְהָיוּ בָהּ חֲנֻיּוֹת מְעוּטָרוֹת וְשֶׁאֵינָן מְעוּטָרוֹת, זֶה הָיָה מַעֲשֶׂה בְּבֵית שְׁאָן, וְאָמְרוּ חֲכָמִים: הַמְעוּטָרוֹת אֲסוּרוֹת, וְשֶׁאֵינָן מְעוּטָרוֹת מוּתָּרוֹת.

MISHNA With regard to **a city in which idol worship** is practiced[N] **and in which there are stores that are adorned**[HB] for the sake of idol worship **and** there are others **that are not adorned, this was** in fact **an incident** that occurred **in Beit She'an,**[B] **and the Sages said:** With regard to **the adorned** shops, it is **prohibited** to buy from them, **but** in the case of **those that are not adorned** it is **permitted.**

HALAKHA

One who swallows a water leech – הַבּוֹלֵעַ נִימָא שֶׁל מַיִם: It is permitted to desecrate Shabbat to save the life of one who swallowed a leech (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 2:6; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:6).

In which there are stores that are adorned – וְהָיוּ בָהּ חֲנֻיּוֹת מְעוּטָרוֹת: In a city in which idol worship is practiced, which contains some stores that are adorned for the sake of idol worship and others that are not adorned, it is prohibited to derive benefit from the adorned shops, as it is presumed that they are adorned for the sake of idol worship. As indicated on 13a, the unadorned shops are permitted (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:12; *Shulḥan Arukh*, *Yoreh De'a* 149:3).

LANGUAGE

Leech [*nima*] – נִימָא: From the Greek νήμα, *nēma*, meaning a thread. In this context, it is referring to a leech, which has the appearance of a thick thread.

Sharp [*shamgaz*] – שַׁמְגָּז: The origin of this word is uncertain. Some maintain that it refers to a beverage made from dates.

***Shavrirei* – שַׁבְרִירֵי:** This is the Aramaic translation of the biblical word: Blindness [*sanverim*], which appears in Genesis 19:11. It means the blurring of the vision to the extent of partial blindness. There are two types of sensory cells in the retina of the human eye: Cones, which serve for day vision, and rods, which work in lower levels of light and are therefore important for night vision. There are diseases that only affect one or the other, leading to night blindness or day blindness.

NOTES

Danger of the *shavrirei* – סַכָּנַת שַׁבְרִירֵי: Rashi explains that this is referring to an evil spirit that rules over the water. This accords with the upcoming statement that the solution is to utter an incantation. Rashi further suggests that the danger of *shavrirei* is blindness, as in the Aramaic translation of the verse: "And they smote the men that were at the door of the house with blindness, both small and great; so that they wearied themselves to find the door" (Genesis 19:11).

***Shavrirei verirei*, etc. – שַׁבְרִירֵי בְּרִירֵי וכו׳:** The incantation is supposed to dissipate the power of the evil spirit gradually, just as its name gradually disappears in the repetitions (Rashi).

City in which idol worship is practiced – עִיר שֶׁיֵּשׁ בָּהּ עֲבוֹדָה זָרָה: As in the previous mishna, the commentaries disagree as to whether this mishna is referring literally to a city in which idol worship is practiced (Rambam), or whether it means a city that is celebrating a festival of idol worship (Rashi).

According to Rashi, the adornments found on stores indicate that these shops donate part of their earnings to idol worship, and therefore one who buys from them is supporting that worship. Others explain that the mishna is not referring to the day of a pagan festival, but to the day of a fair in which a discount is given to those who buy from shops that are decorated in honor of idol worship (*Tosafot*, citing Rabbeinu Meir). Alternatively, the mishna is referring to a city in which a fair takes place, starting from the day of the pagan festival. The stores that are adorned are those that celebrate the festival, and they pay tributes to the object of idol worship during the entire fair. For this reason, it is prohibited to buy from these stores, even after the day of the festival (Ramban). Yet others maintain that the mishna is referring to a city adjacent to a pagan fair. Although it is prohibited to engage in business with any gentile at the fair itself, in the adjacent city the prohibition extends only to those stores that are decorated (Ra'avad, based on the *Tosefta*).

BACKGROUND

Swallowed a hornet – בָּלַע זִיבּוּרָא: A hornet, unlike a bee, is able to sting several times before dying. Its sting is intensely painful, and the venom can be life-threatening for the victim, especially in cases where the individual is allergic to it. Swallowing a live hornet is extremely dangerous, as it remains in the esophagus and stings, causing the throat to swell, blocking the windpipe, which leads to suffocation.

Adorned – מְעוּטָרוֹת: It is evident from various sources that certain deities, particularly those associated with the rites of Dionysus, whose principle rite was held in Beit She'an, were adorned with decorations from nature, such as roses and myrtle. Similarly, the doors of worshippers were decorated with flowers on the day of their festival. Consequently, it was evident that the owners of adorned stores were participating in the ritual of that day, whereas owners of the unadorned stores were not taking part.

Mosaic of Dionysus adorned with plant decorations

Beit She'an – בֵּית שְׁאָן: Beit She'an is an ancient city that has existed since biblical times. The Book of Joshua places it in the area of the tribe of Menashe, which was unsuccessful in capturing it from the Canaanite residents (17:11–12). It was on the walls of Beit She'an that the Philistines hung the bodies of King Saul and his sons following their defeat (I Samuel 31:10). Beit She'an's location has often been strategically significant, as it sits at the junction of the Jordan River Valley and the Jezreel Valley, essentially controlling access from the interior to the coast, as well as from Jerusalem to the Galilee.

During the Hellenistic period, the city was called Scythopolis, and according to Josephus it played a central role in the Hasmonean revolt. In the mishnaic period, as part of the Roman Empire, Beit She'an was a mixed city inhabited mostly by gentiles. The Sages ruled that agricultural mitzvot that apply only in Eretz Yisrael were not incumbent on the produce of Beit She'an, since the city was not conquered by the tribes in the time of Joshua and it was inhabited throughout the generations by gentiles.

Impressive archaeological remains in the city itself attest to the importance of Beit She'an under Roman rule. Archaeological findings also indicate that there were quite a few Jewish agricultural communities in the area surrounding the city. The Talmud records that many Sages visited the city, including Rabbi Meir, Rabbi Ḥiyya, and Rabbi Yoḥanan.

Roman ruins in Beit She'an

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NOTES

With roses and myrtle – בְּוֹרְד וַהֲדַס: These items are strewn before the object of idol worship as an idolatrous offering, from which one is prohibited from deriving benefit (Rashi). Alternatively, they are considered to be set aside as adornments or accessories of an object of idol worship (Ritva).

גמ׳ אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: לֹא שָׁנוּ אֶלָּא מְעוּטָּרוֹת בְּוֹרְד וַהֲדַס, דְּקָא מִתְהֲנֵי מֵרֵיחָא, אֲבָל מְעוּטָּרוֹת בְּפֵירוֹת – מוּתָּרוֹת; מַאי טַעְמָא? דְּאָמַר קְרָא: ״לֹא יִדְבַּק בְּיָדְךָ מְאוּמָה מִן הַחֵרֶם״, נֶהֱנֶה הוּא דְּאָסוּר,

GEMARA **Rabbi Shimon ben Lakish says: They taught** that buying is prohibited **only** in the case of stores that are **adorned with roses and myrtle,**[N] **as one derives benefit from** their **smell** and they serve as offerings to objects of idol worship. **But** with regard to stores that are **adorned with fruit,** it is **permitted** to buy from them. **What is the reason** that they are permitted? **As the verse states: "And there shall cleave nothing dedicated to your hand"** (Deuteronomy 13:18),[H] i.e., the items dedicated to idol worship. From here it is derived that **it is prohibited** to **derive benefit** from idol worship,

HALAKHA

There shall cleave nothing dedicated to your hand – לֹא יִדְבַּק בְּיָדְךָ מְאוּמָה מִן הַחֵרֶם: It is prohibited to derive benefit from objects of idol worship, items that serve as the idol's accessories, items that are sacrificed to the idol, or items that are manufactured for the idol's benefit, as it is stated: "And you shall not bring an abomination into your house" (Deuteronomy 7:26). One who derives benefit from any of these items is flogged twice, once for violating the prohibition: "And you shall not bring an abomination into your house," and once for the prohibition: "And there shall cleave nothing dedicated to your hand" (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:2; *Shulḥan Arukh*, *Yoreh De'a* 142:1).

Perek **I**
Daf **13** Amud **a**

NOTES

Is it not all the more so prohibited to cause benefit – מְהֲנָה לֹא כָּל שֶׁכֵּן: Whether these stores provide taxes for idol worship or conduct business arrangements for pagan priests, one who buys from them indirectly causes benefit to idol worship (see Rashi).

If he places the wreath on his head and on the head of his donkey he will be found to derive benefit from idol worship – יַנִּיחַ נִמְצָא נֶהֱנֶה: He derives benefit from the enjoyment of the scent of the roses (Rashi). Alternatively, he benefits from the deduction in tax that he receives (Rabbeinu Ḥananel; Ra'ah).

Cuts off, etc. – מְנַשֵּׁר וכו׳: The owner must cut below the knee so that he will not render the animal a *tereifa*. Although he may not derive benefit from the animal, it is still prohibited to render it a *tereifa* actively (Rashi). Alternatively, the *baraita* is teaching that in the case of an animal it is enough to lessen its value by performing this action, after which he is permitted to make use of the animal and derive benefit from it (*Tosafot*; see Ra'avad).

HALAKHA

One who conducts business, etc. – הַנּוֹשֵׂא וְנוֹתֵן וכו׳: If one violated the prohibition and bought merchandise from a salesman on the day of a gentile festival, he must destroy it. If he bought an animal, he should cut its hooves, severing its leg from the knee and below. If he bought clothing, he should leave the items to decompose, and in the case of money or metal vessels, they should be cast into the Dead Sea (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:14; *Shulḥan Arukh*, *Yoreh De'a* 149:3).

BACKGROUND

The Dead Sea – יַם הַמֶּלַח: The expression: Dead Sea, can sometimes apply to any of the saltwater seas, as opposed to freshwater lakes, but it usually refers specifically to the Dead Sea, also referred to in talmudic sources as the Sea of Sodom. Any item from which it is prohibited to derive benefit may be thrown into the Dead Sea since there are no fishermen or people who will come to retrieve items thrown there. It is also possible that due to the high density of salt in the Dead Sea, any item thrown into it could become rusty and decayed in a short period of time and could not be used anymore.

אֲבָל מְהֲנָה שָׁרֵי. וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ מְעוּטָּרוֹת בְּפֵירוֹת נַמִּי אָסוּר, קַל וָחוֹמֶר: נֶהֱנֶה אָסוּר, מְהֲנָה לֹא כָּל שֶׁכֵּן!

but it is permitted to cause benefit. Although by buying from the store one indirectly supports idol worship, as a portion of the sales are given to support idol worship, this is not prohibited by Torah law. **And Rabbi Yoḥanan says: Even** if the stores are **adorned** only **with fruit** one is **also prohibited** from buying from them. This is derived by **an *a fortiori*** inference: If it is **prohibited** to **derive benefit** from idol worship, is it **not all the more so** prohibited to **cause benefit**[N] to idol worship?

מֵיתִיבִי, רַבִּי נָתָן אוֹמֵר: יוֹם שֶׁעַבּוֹדָה זָרָה מַנַּחַת בּוֹ אֶת הַמֶּכֶס, מַכְרִיזִין וְאוֹמְרִים: ״כָּל מִי שֶׁנּוֹטֵל עֲטָרָה וְיַנִּיחַ בְּרֹאשׁוֹ וּבְרֹאשׁ חֲמוֹרוֹ לִכְבוֹד עֲבוֹדָה זָרָה – יַנִּיחַ לוֹ אֶת הַמֶּכֶס, וְאִם לָאו – אַל יַנִּיחַ לוֹ אֶת הַמֶּכֶס״,

The Gemara **raises an objection** to Reish Lakish's opinion from a *baraita*. **Rabbi Natan says:** On the **day in which a reduction** is made from **the tax** in honor of **idol worship, they announce and say: Anyone who takes a wreath** of roses **and places** it **on his head and on the head of his donkey in honor of** the object of **idol worship, his tax will be reduced. And if** one does **not** place a wreath on one's head, **his tax will not be reduced.**

יְהוּדִי שֶׁנִּמְצָא שָׁם מַה יַּעֲשֶׂה? יַנִּיחַ – נִמְצָא נֶהֱנֶה, לֹא יַנִּיחַ – נִמְצָא מְהַנֶּה!

What should a Jew who is present there do? If **he places** the wreath on his head and on the head of his donkey, he will **be found to derive benefit**[N] from idol worship. And if **he does not place** the wreath on his head, he will **be found to cause benefit** to idol worship, through the tax that he pays.

מִכָּאן אָמְרוּ: הַנּוֹשֵׂא וְנוֹתֵן בְּשׁוּק שֶׁל עֲבוֹדָה זָרָה – בְּהֵמָה תִּיעָקֵר, פֵּירוֹת כְּסוּת וְכֵלִים יֵרָקְבוּ, מָעוֹת וּכְלֵי מַתָּכוֹת יוּלִיכֵם לְיַם הַמֶּלַח. וְאֵיזֶהוּ עִיקּוּר? הַמְנַשֵּׁר פַּרְסוֹתֶיהָ מִן הָאַרְכּוּבָה וּלְמַטָּה;

From here the Sages **stated: One who conducts business**[H] **in a market of idol worship** will be forced either to benefit from or cause benefit to idol worship. Therefore, any **animal** he bought there **should be destroyed,** any **produce, clothing or vessels should** be left to **decompose,** and with regard to any **money or metal vessels,** which would not decompose on their own, **one should take them** and cast them **into the Dead Sea.**[B] **And what** constitutes **destroying** the animal? **One cuts** off[N] **the hooves of** the animal **from the knee and below.**

BACKGROUND

Panoramic view of the Dead Sea area

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קָתָנֵי מִיהַת: יַנִּיחַ נִמְצָא נֶהֱנֶה, לֹא יַנִּיחַ נִמְצָא מְהַנֶּה!

The Gemara explains the objection to Reish Lakish's statement. **In any event,** the *baraita* **teaches** that it is prohibited to cause benefit to idol worship, as it states: If **he places** the wreath on his head then he will **be found to derive benefit** from idol worship, and if **he does not place** the wreath on his head, he will **be found to cause benefit** to idol worship. How, then, can Reish Lakish claim that it is permitted to cause benefit to idol worship?

אָמַר רַב מְשַׁרְשִׁיָא בְּרֵיהּ דְּרַב אִידִי, קָסָבַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: פְּלִיגִי רַבָּנַן עֲלֵיהּ דְּרַבִּי נָתָן, וַאֲנָא דַּאֲמָרִי כְּרַבָּנַן דְּפְלִיגִי עֲלֵיהּ. וְרַבִּי יוֹחָנָן סָבַר: לָא פְּלִיגִי.

Rav Mesharshiyya, son of Rav Idi, said: Rabbi Shimon ben Lakish holds as follows: **The Rabbis disagree with Rabbi Natan,** whose opinion is cited in the *baraita*, **and I spoke in accordance with** the opinion of **the Rabbis who disagree with** Rabbi Natan. The Gemara notes: **And Rabbi Yoḥanan,** who rules in accordance with the statement of Rabbi Natan, **holds** that the Rabbis **do not disagree** with Rabbi Natan; rather, everyone agrees that it is prohibited to cause benefit to idol worship.

וְלָא פְּלִיגִי? וְהָא תַּנְיָא: הוֹלְכִין לְיָרִיד שֶׁל גּוֹיִם, וְלוֹקְחִין מֵהֶם בְּהֵמָה עֲבָדִים וּשְׁפָחוֹת, בָּתִּים וְשָׂדוֹת וּכְרָמִים, וְכוֹתֵב וּמַעֲלֶה בְּעַרְכָּאוֹת שֶׁלָּהֶן, מִפְּנֵי שֶׁהוּא כְּמַצִּיל מִיָּדָם;

The Gemara asks: **And** is it so that **they do not disagree? But isn't it taught** in a *baraita*: **One may go to a fair of gentiles,**[H] whose purpose is to honor to idol worship, **and buy from** the gentiles **animals, and slaves, and maidservants,** as the purchase raises the items to a more sanctified state; and he may buy **houses, fields, and vineyards** from them, due to the mitzva to settle Eretz Yisrael. **And one may write** the necessary deeds **and confirm** them **in their** gentile **courts** [***be'arkaot***],[L] although this involves an acknowledgement of their authority, **because it is as though he is rescuing** his property **from their hands,** as the court's confirmation and stamp of approval prevents the seller from denying the sale and claiming that the property still belongs to him.

וְאִם הָיָה כֹּהֵן – מְטַמֵּא בְּחוּצָה לָאָרֶץ לָדוּן וּלְעָרֵר עִמָּהֶם; וּכְשֵׁם שֶׁמְּטַמֵּא בְּחוּצָה לָאָרֶץ, כָּךְ מְטַמֵּא בְּבֵית הַקְּבָרוֹת.

And if he is a priest, he may become ritually impure by going **outside Eretz** Yisrael,[H] even though a priest is usually prohibited from leaving Eretz Yisrael to the impure land outside, in order **to litigate** with them **and to contest their** claims. **And just as** a priest **may become ritually impure** by going **outside Eretz** Yisrael, **so may he become ritually impure** for this purpose **by** entering **a cemetery.**

בְּבֵית הַקְּבָרוֹת סָלְקָא דַּעְתָּךְ? טוּמְאָה דְּאוֹרַיְיתָא הִיא! אֶלָּא בֵּית הַפְּרָס דְּרַבָּנַן.

The Gemara interrupts its citation of the *baraita* to express surprise at this last ruling: **Can it enter your mind** to say that a priest may become impure **by** entering **a cemetery?** The *halakha* that a cemetery imparts **ritual impurity** to a priest is **by Torah law;** how could the Sages override this prohibition? **Rather,** the *baraita* is referring to **an area where there is uncertainty with regard to the location of a grave or a corpse** [***beit haperas***], owing to the fact that a grave had been unwittingly plowed over, and the bones may have become scattered throughout the field. Such a field imparts ritual impurity **by rabbinic law.**

וּמְטַמֵּא לִלְמוֹד תּוֹרָה וְלִישָּׂא אִשָּׁה. אָמַר רַבִּי יְהוּדָה: אֵימָתַי? בִּזְמַן שֶׁאֵין מוֹצֵא לִלְמוֹד, אֲבָל בִּזְמַן שֶׁמּוֹצֵא לִלְמוֹד – אֵינוֹ מְטַמֵּא.

The *baraita* continues: **And** a priest **may** likewise **become ritually impure** and leave Eretz Yisrael in order **to study Torah or** in order **to marry a woman. Rabbi Yehuda says: When** does this allowance apply? It applies **when he cannot find** a place **to study** in Eretz Yisrael. **But when** the priest **can find** a place **to study** in Eretz Yisrael, **he may not become ritually impure** by leaving the country.

רַבִּי יוֹסֵי אוֹמֵר: אֲפִילּוּ בִּזְמַן שֶׁמּוֹצֵא לִלְמוֹד – יִטַּמֵּא, לְפִי שֶׁאֵין אָדָם זוֹכֶה לִלְמוֹד מִכֹּל.

Rabbi Yosei says: Even when he can find a place **to study** Torah in Eretz Yisrael, **he may** leave the country and **become ritually impure, because a person does not merit to learn from everyone,** and it is possible that the more suitable teacher for him lives outside of Eretz Yisrael.

אָמַר רַבִּי יוֹסֵי: מַעֲשֶׂה בְּיוֹסֵף הַכֹּהֵן שֶׁהָלַךְ אַחַר רַבּוֹ לְצִידוֹן לִלְמוֹד תּוֹרָה; וְאָמַר רַבִּי יוֹחָנָן: הֲלָכָה כְּרַבִּי יוֹסֵי;

Rabbi Yosei says, in support of his opinion: There was **an incident involving Yosef the priest,**[P] **who followed his teacher to** the city of **Sidon,**[B] outside of Eretz Yisrael, **to learn Torah** even though the preeminent Sage of his generation, Rabban Yoḥanan ben Zakkai, lived in Eretz Yisrael. **And Rabbi Yoḥanan says** about this: The ***halakha*** is **in accordance with** the opinion of **Rabbi Yosei.**

HALAKHA

One may go to a fair of gentiles, etc. – הוֹלְכִין לְיָרִיד שֶׁל גּוֹיִם וכו׳: It is permitted to attend a fair of pagan gentiles and buy animals, slaves, maidservants, houses, fields, and vineyards. One may also write the necessary deeds and confirm them in the gentile courts, because it is considered as though he is rescuing his property from the hands of the gentiles. This applies only when buying from the original owner, as he does not pay a tax that goes toward idol worship; it is prohibited to buy from a merchant, since in that case he pays a tax that funds idol worship, and therefore the Jew is indirectly benefiting idol worship. This is in accordance with the opinion of Rabbi Yoḥanan. Some authorities state that it is prohibited to buy at the fair even if he is exempted from paying taxes (Rema, citing *Tur*). This ruling is questioned by the *Taz*, who claims that this does not accord with the explanation of the Gemara found in Rashi and *Tosafot* (see also Gra).

The *Shulḥan Arukh* writes that if the tax given at the fair is used to support the pagan priests rather than to fund the purchase of offerings or adornments of idol worship, it is permitted to conduct business there. The Rema adds that nowadays most fairs are not connected to idol worship and are not subject to this prohibition. The accepted custom is to attend fairs, even on the day of a gentile festival, and even if a tax from the sale is given in support of priests (*Shakh*). But if the fair is designated for idol worship, it is prohibited (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:14; *Shulḥan Arukh*, *Yoreh De'a* 149:3–4 and *Taz* there).

If he is a priest, he may become ritually impure by going outside Eretz Yisrael – אִם הָיָה כֹּהֵן מְטַמֵּא בְּחוּצָה לָאָרֶץ: Although it is prohibited for a priest to become ritually impure by entering the land outside of Eretz Yisrael or an area where there is uncertainty with regard to the location of a grave or a corpse, he is permitted to do so in order to fulfill a mitzva. For example, he may leave Eretz Yisrael to get married or to study Torah. He is allowed to leave even if he could study Torah in Eretz Yisrael, as a student does not merit to learn equally well from everyone. Similarly, a priest is permitted to become ritually impure by rabbinic law in order to litigate with gentiles and contest their claims, as he is considered to be rescuing his property from their hands. Nevertheless, a priest may not enter a cemetery, even to fulfill a mitzva, as nowadays coffins are closed and there is a handbreadth of space inside, which means that the ritual impurity exits the coffin, rendering the area above it impure (Rambam *Sefer Shofetim*, *Hilkhot Evel* 3:14; *Shulḥan Arukh*, *Yoreh De'a* 372:1 and *Taz* there).

LANGUAGE

Courts [*arkaot*] – עַרְכָּאוֹת: Apparently from the Greek ἀρχεῖον, *arkheion*, whose meanings include the residence or office of the chief magistrates, the place of the council of a local ruler, the board of magistrates, or the magistracy. This term was probably combined with the Hebrew *erekh*, value, to make it sound more like Hebrew. The Sages use it in reference to a gentile court of law, to distinguish it from a Jewish court.

PERSONALITIES

Yosef the priest – יוֹסֵף הַכֹּהֵן: Apparently this is another name for Rabbi Yosei the priest, one of the great disciples of Rabban Yoḥanan ben Zakkai. He was a colleague of Rabbi Elazar ben Arakh and Rabbi Yehoshua, and like them, he was a scholar of *aggada* and the esoterica of the Torah.

He was praised by Rabban Yoḥanan ben Zakkai as a pious individual. There are several anecdotes of his life and the manner in which he died, which justify this high praise.

Yosef the priest lived during the time of the Second Temple. Certain aspects of his family life are documented: He already had a family during the time of the Temple, his wife died young and he later married her sister, and he had a son named Ḥoniya.

BACKGROUND

Sidon – צִידוֹן: The city of Sidon is located on the coast of what is today Lebanon. It was a large port city in antiquity that was also notable for its production of glass and purple dye.

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אֲלָמָּא פְּלִיגִי! אָמַר לָךְ רַבִּי יוֹחָנָן: לְעוֹלָם לָא פְּלִיגִי,

The Gemara returns to the issue at hand. This *baraita* **apparently** indicates that the Rabbis do **disagree** with Rabbi Natan, as they hold that it is permitted to buy items from a gentile fair and cause benefit to idol worship, whereas the ruling of Rabbi Natan is a minority opinion. The Gemara responds: **Rabbi Yoḥanan** could have **said to you: Actually,** the Rabbis **do not disagree** with Rabbi Natan, and even according to this *baraita* one is prohibited from causing benefit for idol worship.

וְלָא קַשְׁיָא: כָּאן בְּלוֹקֵחַ מִן הַתַּגָּר, דְּשָׁקְלִי מִיכְסָא מִינַּיהּ, כָּאן בְּלוֹקֵחַ מִבַּעַל הַבַּיִת, דְּלָא שָׁקְלִי מִיכְסָא מִינַּיהּ.

The Gemara elaborates: **And** the fact that the *baraita* permits buying at a gentile fair is **not difficult,** as **here,** where Rabbi Natan prohibits buying items from a gentile fair, he states his ruling **with regard to one who buys from a merchant, as a tax is taken from him**[N] for the benefit of idol worship; whereas **there,** in the *baraita* that permits buying items at the fair, it states its ruling **with regard to one who buys from a homeowner,** i.e., a private individual, **where a tax is not taken from him.**

אָמַר מָר: בְּהֵמָה תֵּיעָקֵר. וְהָא אִיכָּא צַעַר בַּעֲלֵי חַיִּים! אֲמַר אַבַּיֵי, אָמַר רַחֲמָנָא: ״אֶת סוּסֵיהֶם תְּעַקֵּר״.

§ The Gemara returns to discuss the *baraita* that cited the opinion of Rabbi Natan. **The Master said** above: Any **animal** that one bought there **should be destroyed.** The Gemara asks: **But isn't there** a requirement to prevent **suffering to animals? Abaye said:** Although there is an enjoinder against causing suffering to a living creature, it is permitted when necessary, as **the Merciful One states** to Joshua: **"You shall destroy their horses"** (Joshua 11:6).

אָמַר מָר: וְאֵיזוֹהִי עִיקּוּר? מְנַשֵּׁר פַּרְסוֹתֶיהָ מִן הָאַרְכּוּבָה וּלְמַטָּה. וּרְמִינְהִי: אֵין מַקְדִּישִׁין וְאֵין מַחֲרִימִין וְאֵין מַעֲרִיכִין בַּזְּמַן הַזֶּה, וְאִם הִקְדִּישׁ וְהֶחֱרִים וְהֶעֱרִיךְ – בְּהֵמָה תֵּיעָקֵר, פֵּירוֹת כְּסוּת וְכֵלִים

The Master said above: **And what constitutes destroying** the animal? **One cuts the hooves of** the animal **from the knee and below.** The Gemara **raises a contradiction** from a *baraita*: **One may neither consecrate** objects,[H] **nor dedicate** items for sacred use, **nor valuate** an item's worth based on its appraisal (see Leviticus, chapter 27) and dedicate its monetary worth to the Temple treasury, **in the present** time, when the Temple no longer exists. **And if one did consecrate, or dedicate, or valuate** items for sacred use, the presence of these items might lead to the violation of the prohibition against using consecrated property. Therefore, if one dedicated **an animal it should be destroyed.** If he dedicated **produce, garments, or vessels** made from materials that decompose,

Perek **I**
Daf **13** Amud **b**

יֵרָקְבוּ, מָעוֹת וּכְלֵי מַתָּכוֹת יוֹלִיכֵם לְיַם הַמֶּלַח, וְאֵיזֶהוּ עִיקּוּר? נוֹעֵל דֶּלֶת בְּפָנֶיהָ וְהִיא מֵתָה מֵאֵילֶיהָ!

he should store them until **they decompose.**[N] And if he dedicated **money or metal vessels, he should take them** and cast them **into the Dead Sea. And what** constitutes **destroying? He locks the door before it, and** the animal **dies on its own** from hunger. According to the *baraita*, the disposal of the animal is carried out by starving it, not by cutting its hooves.

אָמַר אַבַּיֵי: שָׁאנֵי הָתָם, מְשׁוּם בְּזָיוֹן קָדָשִׁים. וְנִשְׁחֲטֵיהּ מִישְׁחַט! אָתוּ בְּהוּ לִידֵי תַּקָּלָה.

Abaye said: There, in the case of a consecrated animal, the method employed **is different, because** cutting the animal's hooves would cause the **degradation of sacrificial** animals.[N] The Gemara asks: **But** why does the *baraita* require this complicated method of killing the animal? Why not simply state that **he should slaughter it?** The Gemara answers: If he were to slaughter it, someone might **come to** experience **a mishap through it,** by eating the meat and thereby misusing consecrated property.

NOTES

As a tax is taken from him – דְּשָׁקְלִי מִיכְסָא מִינַּיהּ: When one buys items from a merchant he is forced to pay a tax on the item, as the authorities are aware of the sale. Conversely, one who buys items from a private individual does not pay a tax, as the sale is generally conducted without the knowledge of the authorities (*Tosefot Ḥakhmei Angliyya*).

HALAKHA

One may neither consecrate objects, etc. – אֵין מַקְדִּישִׁין וכו': The acts of consecrating items, taking valuation vows, or dedicating objects for the use of the priests or the Temple are not performed nowadays when there is no Temple. Nevertheless, if one did consecrate, or dedicate, or evaluate items for sacred use, in the case of an animal he must lock it up until it dies of its own accord. With regard to produce or articles of clothing, they must be left to rot. In the case of money or metal vessels, they must be thrown into the Dead Sea or Mediterranean Sea. All of this applies if the owner does not want to redeem the item; but if he does choose to redeem it, he can do so with a *peruta*, and he throws that *peruta* into the Dead Sea instead. The Sages decreed that one should redeem the item with four dinar, or an amount close to this sum, in order to publicize the event. The Rema writes (see *Shakh*) that if one consecrates items for use in the Temple nowadays, his vow should be annulled (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaḤaramim* 8:8–9; *Shulḥan Arukh*, *Yoreh De'a* 258:1).

NOTES

Until they decompose – יֵרָקְבוּ: The owner should put them in a hidden place, where it is unlikely that someone will accidentally make use of them, and let them decompose there (*Tosafot*).

Degradation of sacrificial animals – בְּזָיוֹן קָדָשִׁים: The method of cutting the animal's hooves does not lead to a swift death, but to the animal's gradual degeneration. Therefore, it is not appropriate to employ this method in the case of a sanctified animal. Some commentaries add that this gradual degeneration of the animal is precisely the reason why the method is employed with regard to an animal purchased from a pagan fair (Ra'avad).

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וְלִישְׁוֵיהּ גִּיסְטָרָא! אֲמַר אַבַּיֵי, אָמַר קְרָא: ״וְנִתַּצְתֶּם אֶת מִזְבְּחֹתָם וגו׳ לֹא תַעֲשׂוּן כֵּן לַה׳ אֱלֹהֵיכֶם״.

The Gemara asks: **But** why not **let him render** the animal **a shard** [*gistera*],[LN] by mutilating it so that it is unfit to be eaten? Why is it necessary to kill it in such a drawn-out fashion, by starving it to death? **Abaye said** that it is because **the verse states: "And you shall break down their altars…you shall not do so**[N] **to the Lord your God"** (Deuteronomy 12:3–4). It is derived from here that one may not actively destroy any sacred item.

רָבָא אָמַר: מִפְּנֵי שֶׁנִּרְאֶה כְּמַטִּיל מוּם בְּקָדָשִׁים. נִרְאֶה? מוּם מְעַלְיָא הוּא! הָנֵי מִילֵּי בִּזְמַן שֶׁבֵּית הַמִּקְדָּשׁ קַיָּים, דַּחֲזֵי לְהַקְרָבָה, הָשְׁתָּא דְּלָא חֲזֵי לְהַקְרָבָה – לֵית לָן בָּהּ.

Rava said there is a different reason a consecrated animal may not be disposed of by cutting its hooves: It is **because it appears as though** he is **inflicting a blemish on a sacrificial** animal.[H] The Gemara asks: Why does Rava say that it merely **appears** as though he is inflicting a blemish, when in actual fact he **is** inflicting **a full-fledged blemish?** The Gemara answers: **This matter,** that one may not inflict a blemish on a sacrificial animal, applies only **when the Temple is standing, as** the animal **is fit for sacrifice** and he renders it unfit. By contrast, **now, when** the animal **is not fit for sacrifice,** since there is no Temple, **we have no** problem **with it** by Torah law. The only problem is that it appears as though one is inflicting a blemish on a sanctified animal.

וְלִיהֲוֵי כְּמַטִּיל מוּם בְּבַעַל מוּם, דְּאַף עַל גַּב דְּלָא חֲזֵי לְהַקְרָבָה – אָסוּר! בַּעַל מוּם, נָהֵי דְּלָא חֲזֵי לְגוּפֵיהּ – לִדְמֵי חֲזֵי, לְאַפּוּקֵי הָכָא, דְּלָא לִדְמֵי חֲזֵי וְלָא לְגוּפֵיהּ חֲזֵי.

The Gemara asks: **But** this **should be** considered equivalent **to one who inflicts a blemish on** an animal that is already **blemished,**[H] which is **prohibited even though that** animal **is not fit for sacrifice.** The Gemara answers: In the case of **a blemished** animal when the Temple is standing it is prohibited to inflict a blemish upon it, as **granted, it itself is not fit** to serve as an offering; but **it is fit to** make use of **its monetary** value, i.e., another animal may be purchased with the proceeds of its sale and sacrificed in its place. This is **to the exclusion of** the case **here,** when there is no Temple, **as** the animal **is not fit for its monetary value and it is not fit to** serve as an offering **itself.**

אַשְׁכְּחֵיהּ רַבִּי יוֹנָה לְרַבִּי עִילַּאי דְּקָאֵי אַפִּיתְחָא דְּצוֹר, אֲמַר לֵיהּ: קָתָנֵי ״בְּהֵמָה תִּיעָקֵר״, עֶבֶד מַאי? עֶבֶד יִשְׂרָאֵל לָא קָא מִיבָּעְיָא לִי, כִּי קָא מִיבָּעְיָא לִי עֶבֶד גּוֹי, מַאי? אֲמַר לֵיהּ: מַאי קָא מִיבָּעְיָא לָךְ? תַּנְיָא: הַגּוֹיִם וְהָרוֹעֵי בְּהֵמָה דַּקָּה – לֹא מַעֲלִין וְלֹא מוֹרִידִין.

§ **Rabbi Yona found Rabbi Elai, who was standing at the entrance to** the city of **Tyre.** Rabbi Yona **said to him:** The *baraita* cited above **teaches** that if one bought **an animal** at a pagan fair **it should be destroyed. What** should be done with **a slave**[H] purchased at the fair? Rabbi Yona elaborated: **I do not raise the dilemma** about **a Jewish slave,** as it is obvious that the master cannot cause him harm. **Where it is a dilemma for me** is the case of **a gentile slave; what** is the *halakha*?[N] Rabbi Elai **said to him** in response: **What** is the reason that this is **a dilemma for you? It is taught** in a *baraita*: With regard to **the gentiles and shepherds of small domesticated animals,**[H] **we do not raise** them from a pit **but we do not** actively **lower** them into a pit either. It may be inferred from here that one may not cause the death of a gentile slave.

אֲמַר לֵיהּ רַבִּי יִרְמְיָה לְרַבִּי זֵירָא, קָתָנֵי: לוֹקְחִין מֵהֶן בְּהֵמָה עֲבָדִים וּשְׁפָחוֹת; עֶבֶד יִשְׂרָאֵל אוֹ דִּלְמָא אֲפִילּוּ עֶבֶד גּוֹי? אֲמַר לֵיהּ: מִסְתַּבְּרָא עֶבֶד יִשְׂרָאֵל, דְּאִי עֶבֶד גּוֹי, לְמַאי מִיבָּעֵי לֵיהּ? כִּי אֲתָא רָבִין אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: אֲפִילּוּ עֶבֶד גּוֹי, מִפְּנֵי שֶׁמַּכְנִיסוֹ תַּחַת כַּנְפֵי הַשְּׁכִינָה.

Rabbi Yirmeya said to Rabbi Zeira: The second *baraita* cited above **teaches** that **one may** go to a pagan fair and **buy from** the gentiles **animals, slaves, and maidservants.** Does the *baraita* mean that one may buy **a Jewish slave, or perhaps,** is it teaching that one may buy **even a gentile slave?** Rabbi Zeira **said to him: It stands to reason** that the *baraita* means specifically **a Jewish slave; as, if** it is referring to **a gentile slave, what** is the reason that it is **necessary** for the Sages to permit this purchase? **When Ravin came** from Eretz Yisrael to Babylonia, he said that **Rabbi Shimon ben Lakish says:** It is permitted to purchase **even a gentile slave, because he brings him under the wings of the Divine Presence**[N] by having him undergo the process of conversion when he becomes the slave of a Jew.

LANGUAGE

Shard [*gistera*] – גִּיסְטָרָא: Apparently from the Greek γάστρα, *gastra*, referring to the lower part of a vessel bulging out like a paunch. It is used in the Talmud in reference to an earthenware vessel that is missing its handles or some other part of the vessel. Here, it is referring to any damaged or broken item. According to some of the commentaries, it means an object that is split in two, particularly when it is split down the middle.

HALAKHA

Inflicting a blemish on a sacrificial animal – מַטִּיל מוּם בְּקָדָשִׁים: One who inflicts a blemish on a sacred item is liable to be flogged. This punishment is administered only when the Temple is standing, as the animal was fit to serve as an offering and he disqualified it. Nowadays one is not flogged for this offense, although he violates a prohibition. This ruling is not in accordance with the Gemara here, which maintains that in the present time one does not violate a prohibition (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 1:7 and Mahari Kurkus there).

One who inflicts a blemish on an animal that is already blemished – מַטִּיל מוּם בְּבַעַל מוּם: If one inflicted a blemish on a sacrificial animal, and another came and inflicted a second blemish, the second individual is not flogged. This ruling is in accordance with the opinion of the Rabbis in tractate *Bekhorot* 33b. Nevertheless, the act is prohibited by Torah law. Some hold that it is prohibited by rabbinic law (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 1:8, and see Mahari Kurkus there).

What should be done with a slave – עֶבֶד מַאי: If one consecrated or dedicated a Canaanite slave who accepted upon himself the mitzvot, he is redeemed and the money for which he was exchanged is cast into the Dead Sea. This is the same as any situation where an item is consecrated when the Temple is not standing. If the slave did not accept the mitzvot upon himself, one does not raise him from a pit but one does not actively lower him there either. According to some commentaries, this means that one should not redeem him or derive benefit from him (Radbaz). Similarly, if one violates the prohibition and buys a slave from a merchant during a pagan fair, one does not raise or lower him (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:14 and *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 149:3).

The gentiles and shepherds of small domesticated animals, etc. – הַגּוֹיִם וְהָרוֹעֵי בְּהֵמָה דַּקָּה וכו׳: Although one may not directly cause the death of a gentile or a shepherd of small domesticated animals, one does one save them if they are already in peril. The shepherds of small domesticated animals are treated in this manner because they are inveterate robbers, as they allow their flock to graze in the fields of other Jews. In the case of one who sins due to giving in to his desires, and who does not always act immorally, it is a mitzva to save him from peril and it is prohibited for one to leave him to die (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:11; *Shulḥan Arukh*, *Yoreh De'a* 158:1 and *Ḥoshen Mishpat* 425:5).

NOTES

Shard – גִּיסְטָרָא: The suggestion is that the animal should be cut in two pieces; this would eliminate the concern of violating the prohibition against degrading a sacrificial animal, as it will die immediately, as well as the concern that someone might eat the meat, since it was not slaughtered properly (Rashi).

You shall not do so – לֹא תַעֲשׂוּן כֵּן: There is a specific prohibition by Torah law barring the destruction of sanctified items. For this reason one may not erase a name of God or destroy sacred texts. The commentaries note that this answer was not cited earlier, in explanation of why one does not cut the hooves of the animal, as that act would not be considered completely destroying the animal (*Torat Ḥayyim*).

In the case of a gentile slave what is the *halakha* – עֶבֶד גּוֹי מַאי: Some commentaries explain that this question is based on Rabbi Natan's statement in the *baraita* on 13a, which addresses items purchased at a pagan fair. What should be done if one purchases a gentile slave at a pagan fair (Rashi; Rabbeinu Ḥananel)? Others explain that the question is also referring to one who consecrates a slave today (Rambam).

Because he brings him under the wings of the Divine Presence – מַכְנִיסוֹ תַּחַת כַּנְפֵי הַשְּׁכִינָה: When a gentile becomes a Canaanite slave, he is obligated to be circumcised and observe all mitzvot, except for time-bound positive mitzvot. Therefore, he is considered like a member of the covenant (*Tosafot*).

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אָמַר רַב אַשִׁי: אַשּׁוּ בְּהֶמָּה מַאי מַכְנִיס תַּחַת כַּנְפֵי הַשְּׁכִינָה אִיכָּא? אֶלָּא מִשּׁוּם מְעוּטַיְיהוּ, וְהָכָא נַמִּי דְּמִמַּעֲטִי שָׁרֵי.

Rav Ashi said: But with regard to the permission to buy **an animal, what is there** about this purchase that one can be said to **bring** the animal **under the wings of the Divine Presence? Rather,** the reason it is permitted is **because** through this purchase the Jew **reduces** the possessions of the gentile.[N] **And here too, as he reduces** the gentile's property by purchasing the slave, it is **permitted.**

רַבִּי יַעֲקֹב זְבַן סַנְדָּלָא, רַבִּי יִרְמְיָה זְבַן פִּיתָּא. אֲמַר לֵיהּ חַד לְחַבְרֵיהּ: יָתְמָא, עֲבַד רַבָּךְ הָכִי? אֲמַר לֵיהּ אִידָךְ: יָתְמָא, עֲבַד רַבָּךְ הָכִי? וְתַרְוַיְיהוּ מִבַּעַל הַבַּיִת זְבוּן, וְכָל חַד וְחַד סְבַר: חַבְרַאי מִתַּגָּר זְבַן, דְּאָמַר רַבִּי אַבָּא בְּרֵיהּ דְּרַבִּי חִיָּיא בַּר אַבָּא: לֹא שָׁנוּ אֶלָּא בְּלוֹקֵחַ מִן הַתַּגָּר, דְּשָׁקְלִי מִיכְסָא מִינַּיְיהוּ, אֲבָל בְּלוֹקֵחַ מִבַּעַל הַבַּיִת, דְּלָא שָׁקְלִי מִינַּיְיהוּ מִיכְסָא – מוּתָּר.

The Gemara relates: **Rabbi Ya'akov bought sandals** and **Rabbi Yirmeya bought bread** at a pagan fair. **One said to the other: Orphan,** i.e., one with no guide, **would your teacher act in this manner? The other** likewise **said to him: Orphan, would your teacher act in this manner?** The Gemara explains: Actually, **both purchased** these items **from a homeowner,** i.e., a private individual, **and each one thought** that **the other** had **purchased** his item **from a merchant. As Rabbi Abba, son of Rabbi Ḥiyya bar Abba, says:** The Sages **taught** that it is prohibited to buy from a gentile at a pagan fair **only** in the case **of one who buys from a merchant, as a tax is taken from him** and used for the benefit of idol worship. **But with regard to one who buys from a homeowner, when a tax is not taken from him,** it is **permitted** to make the purchase.

אָמַר רַבִּי אַבָּא בְּרֵיהּ דְּרַבִּי חִיָּיא בַּר אַבָּא: אִילְמָלֵא הָיָה רַבִּי יוֹחָנָן הָא וְיִמְנָא בְּאַתָּרָא דְּקָא שָׁקְלִי מִיכְסָא, אֲפִילּוּ מִבַּעַל הַבַּיִת הֲוָה אָסַר. אֶלָּא אִינְהוּ הֵיכִי זְבוּן? מִבַּעַל הַבַּיִת שֶׁאֵינוֹ קָבוּעַ זְבוּן.

Rabbi Abba, son of Rabbi Ḥiyya bar Abba, says: If Rabbi Yoḥanan had been present[N] **at this time** and age, **in a place where the tax is taken** from all sales, including those conducted with private individuals, **he would have prohibited** buying items **even from a homeowner.** The Gemara asks: **But** if so, **how did** these Sages, Rabbi Ya'akov and Rabbi Yirmeya, **purchase** items at the fair? The Gemara answers: **They purchased** the items **from a homeowner** who sells solely on **a temporary** basis.[N]

מתני׳ אֵלּוּ דְּבָרִים אֲסוּרִים לְמָכוֹר לְגוֹי: אִצְטְרוּבָּלִין, וּבְנוֹת שׁוּחַ, וּפִטּוֹטָרוֹת, וּלְבוֹנָה, וְתַרְנְגוֹל הַלָּבָן. רַבִּי יְהוּדָה אוֹמֵר: מוּתָּר לִמְכּוֹר לוֹ תַּרְנְגוֹל לָבָן בֵּין הַתַּרְנְגוֹלִין; וּבִזְמַן שֶׁהוּא בְּפִנֵּי עַצְמוֹ – קוֹטֵעַ אֶת אֶצְבָּעוֹ וּמוֹכְרוֹ לוֹ, לְפִי שֶׁאֵין מַקְרִיבִים חָסֵר לַעֲבוֹדָה זָרָה.

MISHNA **These are the items that** it is **prohibited to sell**[H] **to a gentile** at any time of year, as they are used specifically for idol worship: ***Itzterubalin,***[L] ***benot shuaḥ, petotarot,* frankincense, and a white rooster.**[BH] **Rabbi Yehuda says:** It is **permitted to sell a white rooster to** a gentile provided that it is sold **along with** other types of **roosters. But when it is** sold **by itself, one** should **cut off its toe and sell it to** the gentile, **because** they **do not sacrifice a defective** animal[B] **to** their object of **idol worship.**

וְשְׁאָר כָּל הַדְּבָרִים – סְתָמָן מוּתָּר, וּפֵירוּשָׁן אָסוּר; רַבִּי מֵאִיר אוֹמֵר: אַף דֶּקֶל טַב וְחָצָב וְנַקְלָב – אָסוּר לְמָכוֹר לְגוֹיִם.

And with regard to **all remaining items, without specification** it is **permitted** to sell them, **but** with **specification** it is **prohibited** to sell them.[H] **Rabbi Meir says: Even** in the case of **a good palm tree, *ḥatzav,* and *naklav,*** it is **prohibited to sell** them **to gentiles.**

Roman statue of a god with a pinecone atop his staff

LANGUAGE

***Itzterubalin* – אִצְטְרוּבָּלִין:** From the Greek στρόβιλος, *strobilos*, which means a rounded or circular item. The term can refer to a variety of rounded objects, including the cones of a particular type of pine tree.

The cedar cone, which was considered to have healing properties, served as a special offering for Asclepius, the Greek god of medicine. It also was used in other rites and mysteries, such as the rites of Cybele and Attis.

BACKGROUND

White rooster – תַּרְנְגוֹל הַלָּבָן: Many pagan rites involved the use of white animals. White roosters were one of the offerings sacrificed to various deities, particularly in the rites of Asclepius, the ancient god of medicine.

Because they do not sacrifice a defective animal – לְפִי שֶׁאֵין מַקְרִיבִים חָסֵר: It is evident from contemporary writings of pagan cults that although they were not concerned about every blemish that would render an offering unfit by Torah law, they would ensure that there would be no visible defect on any animal that served as an offering.

NOTES

Because through this purchase the Jew reduces the possessions of the gentile – מִשּׁוּם מְעוּטַיְיהוּ: It is considered a positive action to buy any lasting item from an idol worshipper, as this reduces his possessions. Additionally, at the pagan fair items are sold at a discount price, and some items that would not usually be available for sale can be found there (see Ramban).

If Rabbi Yoḥanan had been present, etc. – אִילְמָלֵא הָיָה רַבִּי יוֹחָנָן וכו׳: The distinction that Rabbi Abba, son of Rabbi Ḥiyya bar Abba, draws between buying from a merchant and buying from a private individual is attributed to Rabbi Yoḥanan (see 13a).

From a homeowner who sells solely on a temporary basis – מִבַּעַל הַבַּיִת שֶׁאֵינוֹ קָבוּעַ: The tax was exacted only from private individuals who would receive a regular supply of merchandise to sell in their locale. It was not imposed on one who sold merchandise only from time to time (Ra'avad).

HALAKHA

These are the items that it is prohibited to sell, etc. – אֵלּוּ דְּבָרִים אֲסוּרִים לְמָכוֹר וכו׳: One is never permitted to sell to idol worshippers items that are specifically used for idol worship. This restriction applies nowadays as well (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 151:1 and *Shakh* there).

A white rooster, etc. – תַּרְנְגוֹל לָבָן וכו׳: It is permitted to sell items that are used as idolatrous offerings along with objects that are not used for such purposes, provided that the gentile does not specify that he wants the items specifically for idol worship. For example, if one sells black frankincense along with white frankincense, he need not to be concerned that the gentile might separate the frankincense that can be used for idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:7; *Shulḥan Arukh*, *Yoreh De'a* 151:1).

Without specification it is permitted to sell them but with specification it is prohibited to sell them – סְתָמָן מוּתָּר וּפֵירוּשָׁן אָסוּר: With regard to all items that are not used specifically for idol worship, if the gentile does not state that he wants them for this purpose, it is permitted to sell them to him. If he does specify that he will use an item for idol worship, it is prohibited to sell it to him, unless one renders the item unfit for that purpose (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 151:1).

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גמ׳ מַאי ״אִיצְטְרוּבָּלִין״? תּוֹרְנִיתָא. וּרְמִינְהוּ, הוֹסִיפוּ עֲלֵיהֶן: אַלֶּכְסִין וְאִיצְטְרוּבָּלִין, מוּכְסָסִין וּבְנוֹת שׁוּחַ; וְאִי סָלְקָא דַּעְתָּךְ אִיצְטְרוּבָּלִין – תּוֹרְנִיתָא – תּוֹרְנִיתָא מִי אִיתָא בַּשְּׁבִיעִית?

GEMARA The Gemara analyzes the terms in the mishna: **What** is the meaning of ***itzterubalin*?** This is the plant known as ***torenita***.[N] **And** the Gemara **raises a contradiction** from a *baraita*: The Sages **added to** the list of plants whose use is prohibited during the Sabbatical Year: ***Alekesin***[L] **and *itzterubalin*, *mukhsasin*,**[L] **and *benot shuaḥ*.**[L] **And if it would enter your mind** to say that ***itzterubalin*** is ***torenita*, is there *torenita*** that is subject to the *halakhot* **of the Sabbatical** Year?

וְהָתְנַן, זֶה הַכְּלָל: כָּל שֶׁיֵּשׁ לוֹ עִיקָּר יֵשׁ לוֹ שְׁבִיעִית, וְכָל שֶׁאֵין לוֹ עִיקָּר אֵין לוֹ שְׁבִיעִית! אֶלָּא אָמַר רַב סָפְרָא: פֵּירֵי דְּאַרְזָא. וְכֵן כִּי אֲתָא רָבִין אָמַר רַבִּי אֶלְעָזָר: פֵּירֵי דְּאַרְזָא.

The Gemara explains: **But didn't we learn** in a *baraita* that **this is the principle: Anything that has a root**[N] and grows **is subject to** the *halakhot* of **the Sabbatical** Year, **and** anything **that does not have a root is not subject to** the *halakhot* of **the Sabbatical** Year? If so, *torenita*, which has no roots, is not subject to the *halakhot* of the Sabbatical Year, and therefore it cannot be identified as *itzterubalin*. **Rather, Rav Safra says:** What is *itzterubalin*? It is **the fruit of the cedar** tree.[NB] **And similarly, when Ravin came** from Eretz Yisrael, he said that **Rabbi Elazar says:** *Itzterubalin* is **the fruit of the cedar** tree.

״בְּנוֹת שׁוּחַ״. אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: תְּאֵינֵי חִיוְּרָאתָא. ״וּפִטּוֹטָרוֹת״. אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: בִּפְטוֹטָרוֹתֵיהֶן שָׁנוּ.

The mishna includes ***benot shuaḥ*** among the items one may not sell to a gentile. **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** These are **white figs.** The mishna states: **And *petotarot*. Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** This is not another type of fruit; rather, the mishna here **taught** that the sale of the various fruits listed in the mishna is prohibited only when they are sold **with their stems,**[N] not if they have been pruned.

״לְבוֹנָה״. אָמַר רַבִּי יִצְחָק אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: לְבוֹנָה זַכָּה. תָּנָא: וּמִכּוּלָּן מוֹכְרִין לָהֶן חֲבִילָה. וְכַמָּה חֲבִילָה? פֵּירֵשׁ רַבִּי יְהוּדָה בֶּן בְּתֵירָא: אֵין חֲבִילָה פְּחוּתָה מִשְּׁלֹשָׁה מָנִין.

The mishna taught that selling **frankincense** to gentiles is prohibited. **Rabbi Yitzḥak says** that **Rabbi Shimon ben Lakish says:** The mishna is referring specifically to **pure frankincense,**[N] which is used as incense for objects of idol worship. A Sage **taught: And with regard to all** of these items whose sale is prohibited, **one may sell to** gentiles a large **bundle** of merchandise,[H] as it is clear that the gentile intends to sell the merchandise rather than sacrifice it to his object of idol worship. **And how much** does such **a bundle** weigh? **Rabbi Yehuda ben Beteira explained:** For the purposes of this *halakha*, **no bundle is less than** the weight of **three hundred dinars.**

וְלֵיחוּשׁ דִּלְמָא אָזֵיל וּמְזַבֵּין לְאַחֲרִינֵי וּמַקְטְרִי! אָמַר אַבָּיֵי: אַ״לִּפְנֵי״ מִפַּקְּדִינַן, אַ״לִפְנֵי״ דְּ״לִפְנֵי״ לָא מִפַּקְּדִינַן.

The Gemara raises a difficulty: **But let us be concerned lest** the buyer **go and sell** these items **to another** gentile, **and they sacrifice** them. **Abaye said** in response: This scenario is certainly possible, but **we are commanded** only not **to** "place a stumbling block **before** the blind" (Leviticus 19:14), i.e., one may not be the direct cause of a gentile's idol worship. **We are not commanded** not **to** place a stumbling block **before** one who may subsequently place it **before** the blind.

LANGUAGE

***Alekesin* – אַלֶּכְסִין:** Some explain that *alekesin*, or *aklesin*, according to an alternative version of the text, is derived from a metathesis of the Greek ἄκυλος, *akulos*, meaning acorns. It is known that this item was used as an offering in several pagan rites. Others maintain that *alekesin* refers to *Ruscus aculeatus*, or butcher's broom, which was known at certain points in history as Alexandrine laurel.

***Mukhsasin* – מוּכְסָסִין:** Apparently from the Greek μύξα, *muxa*, a plant with edible cherry-like berries, which has been identified as the Cordia myxa.

***Benot shuaḥ* – בְּנוֹת שׁוּחַ:** There are different opinions with regard to the meaning of *benot shuaḥ*. The Gemara here indicates that it is a type of white figs. Some hold, based on the Jerusalem Talmud, that it is the cedar cone.

BACKGROUND

Fruit of the cedar tree – פֵּירֵי דְּאַרְזָא: Pinecones, acorns, and figs were used in the rites of several pagan gods. They were particularly prevalent in the rites of fertility gods and in the mystery cults of Dionysus and Cybele.

HALAKHA

One may sell to gentiles a large bundle of merchandise – מוֹכְרִין לָהֶן חֲבִילָה: It is permitted to sell to a gentile large quantities of items that are used specially for idol worship, as it is clear that the gentile intends to sell them in turn, rather than use them himself for idol worship. This is permitted despite the fact that the gentile will sell to other gentiles who will use the objects for idol worship, as there is no prohibition against placing a stumbling block before one who may place it before the blind (*Shakh*). The Rema likewise writes that it is permitted to sell these items to any gentile provided that he is not a priest or one who will presumably use it for idol worship (*Shulḥan Arukh*, *Yoreh De'a* 151:1).

NOTES

***Torenita* – תּוֹרְנִיתָא:** According to Rashi, *torenita* is a type of cedar. The Gemara in tractate *Rosh HaShana* 23a says it is the tree referred to as the *shitta* in the Bible. Others dispute this identification, as it is clear from the continuation of the Gemara that the *torenita* has no roots (*Tosafot*). *Tosafot* therefore explain that *torenita* has two meanings, a type of cedar and a type of dirt, as is the case here.

Anything that has a root [*ikkar*], etc. – כָּל שֶׁיֵּשׁ לוֹ עִיקָּר וכו׳: According to Rashi, the category: Anything that has a root, is referring to plants whose roots remain living in the ground, in contrast to annual crops whose roots die after they finish growing. Others object to this explanation by pointing out that wheat and barley, which are annual crops, are nevertheless subject to the *halakhot* of the Sabbatical Year (*Tosafot*).

Some commentaries maintain that the *baraita* is discussing specifically the mitzva of eradicating Sabbatical Year produce from one's house. Accordingly, the first category: Anything that has a root, is referring to plants whose roots remain after the produce is picked and then serve as food for undomesticated animals. Plants in this category are subject to the mitzva of eradicating Sabbatical Year produce from one's house, as this must be performed once the roots cease serving as a source of nourishment for those undomesticated animals. *Torenita* does not belong in this category, as its roots themselves are fit for human consumption (Ritva, citing Ra'ah).

Alternatively, the term *ikkar* means a trunk, and the *baraita* is speaking of plants that have edible parts at certain points in their development that harden over time and become inedible. In addition to the edible parts, these plants have a permanent trunk. Such plants are subject to the *halakhot* of the Sabbatical Year, as their edible parts are designated to be eaten. Conversely, plants of this kind that do not have a trunk are not subject to the *halakhot* of the Sabbatical Year, as they are not designated as food (Ra'avad; see Meiri).

Fruit of the cedar tree – פֵּירֵי דְּאַרְזָא: This is referring to the cones of cedar trees (Rashi), or pine nuts (Rashbam, citing Rashi; *Tosafot*; see Meiri). Alternatively, it is referring to a branch of the cedar that has fruit (Meiri) or certain stalks of wheat that were known as the fruit of the cedar due to their great beauty and size (Ra'avad). These were used as an adornment and offering for idol worship.

The mishna taught only when they are sold with their stems – בִּפְטוֹטָרוֹתֵיהֶן שָׁנוּ: The reason for this leniency is that the fruit were hung by their stems before the idol, to serve as an adornment or as an offering (Rashi). Others explain that fruit that lacks its stem is considered defective and would not be used as an idolatrous offering (see Meiri and Jerusalem Talmud).

Pure frankincense – לְבוֹנָה זַכָּה: This is a special type of frankincense (Rashi). Others add that this high-quality frankincense was used solely for idol worship, and therefore it was never permitted to sell it to gentiles.

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"וְתַרְנְגוֹל לָבָן". אָמַר רַבִּי יוֹנָה אָמַר רַבִּי זֵירָא אָמַר רַב זְבִיד, וְאִיכָּא דְּמַתְנֵי אָמַר רַבִּי יוֹנָה אָמַר רַבִּי זֵירָא: "תַּרְנְגוֹל לְמִי" – מוּתָּר לְמְכּוֹר לוֹ תַּרְנְגוֹל לָבָן, "תַּרְנְגוֹל לָבָן לְמִי" – אָסוּר לְמְכּוֹר לוֹ תַּרְנְגוֹל לָבָן.

§ The mishna teaches: **And** it is prohibited to sell **a white rooster** to a gentile. **Rabbi Yona says** that **Rabbi Zeira says** that **Rav Zevid says** the following ruling; **and there are** those **who teach** merely that **Rabbi Yona says** that **Rabbi Zeira says** it. If a gentile says: **Who has a rooster,** without specifying any particular type, it is **permitted to sell him a white rooster.** But if he says: **Who has a white rooster,** it is **prohibited to sell him a white rooster.**

תְּנַן, רַבִּי יְהוּדָה אוֹמֵר: מוֹכֵר הוּא לוֹ תַּרְנְגוֹל לָבָן בֵּין הַתַּרְנְגוֹלִין. הֵיכִי דָּמֵי? אִילֵימָא דְּקָאָמַר: "תַּרְנְגוֹל לָבָן לְמִי, תַּרְנְגוֹל לָבָן לְמִי", אֲפִילּוּ בֵּין הַתַּרְנְגוֹלִין נַמִּי לָא!

The Gemara raises an objection to this opinion. **We learned** in the mishna that **Rabbi Yehuda says: He may sell a white rooster to** a gentile, provided that it is sold **along with** other types of **roosters. What are the circumstances? If we say that** the gentile **says: Who has a white rooster, who has a white rooster;** in that case one may **not** provide him a white rooster **even** if it is sold **along** with other **roosters,** as the gentile specified that he wants a white rooster.

אֶלָּא לָאו דְּקָא אָמַר: "תַּרְנְגוֹל לְמִי, תַּרְנְגוֹל לְמִי", וַאֲפִילּוּ הָכִי לְרַבִּי יְהוּדָה – בֵּין הַתַּרְנְגוֹלִין אִין, בִּפְנֵי עַצְמוֹ לָא, וְלֵיתָנָא קַמָּא – אֲפִילּוּ בֵּין הַתַּרְנְגוֹלִין נַמִּי לָא!

Rather, is it not referring to a case **where** the gentile **says: Who has a rooster, who has a rooster;** without mentioning a white rooster, **and even so, according to Rabbi Yehuda** if he sells him a white rooster **along with** other **roosters** then **yes,** it is permitted, but selling only a white rooster **by itself** is **not** permitted? **And** one can infer that **according to the first *tanna*,** who prohibits the sale of a white rooster, one may **not** sell him a white rooster **even** if it is sold **along with** other **roosters.** This does not accord with the statement of Rabbi Yona, who rules that if the gentile says: Who has a rooster, without specifying any particular type, it is permitted to sell him even a white rooster.

אָמַר רַב נַחְמָן בַּר יִצְחָק: הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן דְּאָמַר "זֶה וְזֶה".

Rav Naḥman bar Yitzḥak said: The mishna is not discussing the case of a gentile who asks for a rooster without specifying its color, as everyone agrees that in such a situation it is permitted to sell him a white rooster. Rather, **here we are dealing with** a case **where** the Jew had several different roosters, and the gentile **says,** pointing to different roosters: Sell me **this** one **and that** one,[N] and one of the roosters he chose was white.

תַּנְיָא נַמִּי הָכִי, אָמַר רַבִּי יְהוּדָה: אֵימָתַי? בְּזְמַן שֶׁאָמַר "תַּרְנְגוֹל זֶה לָבָן", אֲבָל אִם אָמַר "זֶה וְזֶה" – מוּתָּר. וַאֲפִילּוּ אָמַר "תַּרְנְגוֹל זֶה", גּוֹי שֶׁעָשָׂה מִשְׁתֶּה לִבְנוֹ אוֹ שֶׁהָיָה לוֹ חוֹלֶה בְּתוֹךְ בֵּיתוֹ – מוּתָּר.

The Gemara notes that **this** explanation **is also taught** in a *baraita*. **Rabbi Yehuda said: When** is selling a white rooster prohibited? It is prohibited **when** the gentile **said:** Sell me **this white rooster.**[N] **But if he said:** Sell me **this** one **and that** one, it is **permitted. And even** if **he said:** Sell me **this rooster,** and he pointed to a white rooster, in the case of **a gentile**[N] **who is preparing a feast**[H] **for his son or who has a sick person in his house, it is permitted** to sell it to him, as it is clear that he wants it for the celebration for his son or for the sick person, not for idol worship.

וְהָתַנְיָא: גּוֹי שֶׁעָשָׂה מִשְׁתֶּה לִבְנוֹ, אֵינוֹ אָסוּר אֶלָּא אוֹתוֹ הַיּוֹם וְאוֹתוֹ הָאִישׁ בִּלְבַד; אוֹתוֹ הַיּוֹם וְאוֹתוֹ הָאִישׁ מִיהָא אָסוּר! אָמַר רַב יִצְחָק בַּר רַב מְשַׁרְשִׁיָא: בְּטַוּוזִיג.

The Gemara asks: **But isn't it taught** in a mishna (8a): In the case of **a gentile who made a feast for his son,** engaging in business **is prohibited only** on **that day, and** with **that man alone?** This indicates that **in any event,** conducting business on **that day and** with **that man is prohibited. Rav Yitzḥak bar Rav Mesharshiyya said:** The *baraita* is speaking **about a picnic** [***betavuzig***],[NL] i.e., a social gathering rather than a wedding feast. A mere social gathering does not include the sacrifice of offerings to idolatry.

תְּנַן: וּשְׁאָר כָּל הַדְּבָרִים – סְתָמָן מוּתָּר, וּפֵירוּשָׁן אָסוּר; מַאי "סְתָמָן" וּמַאי "פֵּירוּשָׁן"? אִילֵימָא סְתָמָא – דְּקָאָמַר חִישֵׁי וְחַוּרְתָּא, פֵּירוּשָׁן – דְּקָאָמַר לַעֲבוֹדָה זָרָה,

§ **We learned** in the mishna: **And** with regard to **all remaining items, without specification** it is **permitted** to sell them, **but** with **specification** it is **prohibited** to sell them. The Gemara asks: **What** is the meaning of: **Without specification, and what** is meant by: With **specification? If we say** that **without specification is** referring to a case **when** the gentile **says** that he wants **white wheat** without stating the reason he wants it, and with **specification is** referring to a case **when he says** that he will use the wheat **for idol worship,** why is it necessary for the mishna to teach this *halakha*?

NOTES

Sell me this one and that one – זֶה וְזֶה: According to Rashi, the gentile asked for a white rooster and a different colored rooster. Other commentaries disagree, arguing that if the gentile specifies that he wants a white rooster, even if he adds that he also wants a black one, it is prohibited to sell him a white one. Rather, this is referring to a case where the gentile does not mention the color of the rooster at all, but points to several roosters and says that he wants these ones, one of which was white (*Tosefot*; Ra'avad; Ramah; see Rashba).

Sell me this white rooster – תַּרְנְגוֹל זֶה לָבָן: Rashi, in keeping with his explanation of the entire passage, explains that the important factor is that the gentile specifies that the rooster must be white, not that he points at a particular rooster. Other early commentaries maintain that the gentile pointed at the white rooster alone. In fact, the Ra'avad's version of the text includes only the words: This rooster.

Even if he said, sell me this rooster, and pointed to a white rooster, in the case of a gentile, etc. – אֲפִילּוּ אָמַר תַּרְנְגוֹל זֶה גּוֹי וכו': If the gentile explicitly requested a white rooster, it is prohibited to sell it to him, despite the fact that he is hosting a feast, as there is no reason that he should care about the color of the rooster if it is meant to be eaten (Ra'avad). Rashi maintains that the text of the Gemara should state: This white rooster. He explains that even in this case it is permitted to sell the white rooster to him, as it is possible that one might specifically want a white rooster for reasons other than for idol worship, e.g., for its ornamental function or healing properties.

About a picnic – בְּטַוּוזִיג: In other words, this is not a wedding feast that includes idol worship, but a social gathering. Some explain that this is referring to the events that are held in the days after the wedding, which are for friendship alone (Ra'avad).

LANGUAGE

Picnic [*tavuzig*] – טַוּוזִיג: From the Middle Iranian word tōzīg, meaning picnic.

HALAKHA

Gentile who is preparing a feast, etc. – גּוֹי שֶׁעָשָׂה מִשְׁתֶּה וכו': It is permitted to sell items that are used specifically for idol worship to a gentile if the gentile states that he needs them for another purpose and the Jew knows that he is speaking truthfully. This *halakha* is in accordance with the *baraita* here (*Shulḥan Arukh, Yoreh De'a* 151:1 and *Beur HaGra* there).

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לָא סְתָמָן צְרִיכָא לְמֵימַר דִּמְזַבְּנִינַן, וְלָא פֵּירוּשָׁן צְרִיכָא לְמֵימַר דְּלָא מְזַבְּנִינַן! אֶלָּא סְתָמָן – דְּקָאָמַר חִישֵׁי, פֵּירוּשָׁן – דְּקָאָמַר חָוְורָתָא;

It does **not need to be said that** when he asks for the item **without specification one may sell** white wheat[N] to him, **and** it does **not need to be said that** when he asks for it with **specification one may not sell it** to him, as he expressly stated that he will use it for idol worship. **Rather,** when the mishna says that he asks **without specification,** this is referring to a case **where** the gentile **says** that he wishes to buy **wheat,** in which case it is permitted to sell to him. If so, the case when he asks with **specification is** one **where he says** that he wants **white** wheat, which is an item used in idol worship, and the mishna teaches that it is prohibited to sell this to him.

מִכְּלָל דְּתַרְנְגוֹל אֲפִילּוּ סְתָמָן נַמִּי לָא! אָמְרִי: לְעוֹלָם סְתָמָן – דְּקָאָמַר חִישֵׁי חָוְורָתָא, פֵּירוּשָׁן – דְּקָאָמַר לַעֲבוֹדָה זָרָה;

By inference, this means **that** in the case of **a rooster,** referred to earlier in the mishna, **even** if the gentile requests **without specification,** i.e., without saying that he wants a white one, it is **not** permitted to sell it to him. This conclusion contradicts the opinion of Rabbi Zeira. The Gemara rejects this argument: **Say** in response that **actually, without specification** is referring to a case **where** the gentile **says** that he wants to purchase **white wheat,** and with **specification** is referring to a case **where he says** that he needs it **for idol worship.**

וּפֵירוּשָׁן אִצְטְרִיכָא לֵיהּ, סָלְקָא דַּעְתָּךְ אָמִינָא: הַאי גַּבְרָא לָאו לַעֲבוֹדָה זָרָה קָא בָּעֵי, אֶלָּא מֵיבַק הוּא דַּאֲבִיק בַּעֲבוֹדָה זָרָה, וְסָבַר: כִּי הֵיכִי דְּהָהוּא גַּבְרָא אֲבִיק בֵּיהּ כּוּלֵּי עָלְמָא נַמִּי אֲבִיקוּ, אֵימָא הָכִי כִּי הֵיכִי דְּלֵיתְבוּ לִי, קָא מַשְׁמַע לָן.

And as for the objection that this ruling is superfluous, in fact it **is necessary** for the mishna to state the *halakha* in a case where he **specified** that he would use the item for idol worship. The Gemara elaborates: It might **enter your mind to say** that **this man does not** really **need** the wheat **for** his **idol worship. Rather, he is** deeply **attached to idol worship, and he thought** that **just as that man,** i.e., he himself, **is so attached** to it, **everyone** else is **also attached** to idol worship. Therefore, he reasoned: **I will say this,** that I intend to use the item for idol worship, **so that they will give** it **to me.** Consequently, it is necessary for the mishna to **teach us** that if he says that he intends to use the item for idol worship it is prohibited to sell it to him, as he might be telling the truth.

בָּעֵי רַב אַשִׁי: תַּרְנְגוֹל לָבָן קָטוּעַ לְמִי", מַהוּ לְמִכּוֹר לוֹ תַּרְנְגוֹל לָבָן שָׁלֵם? מִי אָמְרִינַן: מִדְּקָאָמַר "קָטוּעַ" לָא לַעֲבוֹדָה זָרָה קָבָעֵי, אוֹ דִלְמָא אִיעֲרוּמֵי קָא מַעֲרִים?

§ **Rav Ashi raised a dilemma:** If a gentile asks the merchants: **Who has a damaged white rooster, what is** the *halakha* with regard to whether it is permitted **to sell him an unblemished white rooster? Do we say that from** the fact **that he says** that he wants **a damaged** rooster, it may be inferred that **he does not need it for idol worship,** as gentiles do not sacrifice defective animals, and therefore it is permitted? **Or perhaps he is** only **employing artifice.** In other words, he knows that a Jew will not sell him an undamaged white rooster upon request, and as it is unlikely that someone has a damaged white rooster to sell him, he hopes that he will receive an undamaged one. If so, it is prohibited to sell him a white rooster.

אִם תֵּימְצִי לוֹמַר הַאי אִיעֲרוּמֵי הוּא דְּקָא מַעֲרִים, "תַּרְנְגוֹל לָבָן לְמִי, תַּרְנְגוֹל לָבָן לְמִי", וְיָהֲבוּ לֵיהּ שָׁחוֹר וּשְׁקַל, וְיָהֲבוּ לֵיהּ אָדוֹם וּשְׁקַל, מַהוּ לְמִכּוֹר לוֹ לָבָן? מִי אָמְרִינַן: כֵּיוָן דְּיָהֲבוּ שָׁחוֹר וּשְׁקַל, אָדוֹם וּשְׁקַל – לָאו לַעֲבוֹדָה זָרָה קָא בָּעֵי, אוֹ דִלְמָא אִיעֲרוּמֵי קָא מַעֲרִים? תֵּיקוּ.

If you say[N] that **this** gentile **is employing artifice,** and it is prohibited, in a case where he said: **Who has a white rooster, who has a white rooster; and they brought him a black** rooster **and he took it, or** in a case where **they bought him a red** one **and he took it, what is** the *halakha* with regard to whether it is permitted **to sell him a white** rooster? **Do we say: Since they brought him a black** rooster **and he took it,** or they bought him **a red** one **and he took it,** evidently **he does not need** the rooster **for idol worship? Or perhaps,** here too **he is employing artifice?**[H] The Gemara comments: These dilemmas **shall stand** unresolved.

"רַבִּי מֵאִיר אוֹמֵר: אַף דֶּקֶל" וכו'. אָמַר לֵיהּ רַב חִסְדָּא לַאֲבִימִי: גְּמִירִי, דַּעֲבוֹדָה זָרָה דְּאַבְרָהָם אָבִינוּ אַרְבַּע מְאָה פִּירְקֵי הָווּיִין, וַאֲנַן חֲמִשָּׁה תְּנַן, וְלָא יָדְעִינַן מַאי קָאָמְרִינַן.

§ The mishna teaches that **Rabbi Meir says:** It is prohibited to sell **even** a good **palm tree** and *ḥatzav* to gentiles. **Rav Ḥisda said to Avimei: It is learned** as a tradition **that** the tractate ***Avoda Zara*** **of our forefather Abraham contained four hundred chapters, and we have learned** only **five** chapters in our tractate *Avoda Zara,* **and we do not** even **know** the meaning of **what we are saying.**

NOTES

It does not need to be said that when he asks for the item without specification one may sell it – לָא סְתָמָן צְרִיכָא לְמֵימַר דִּמְזַבְּנִינַן: The mishna prohibited only the sale of a white rooster, which is usually used as an idolatrous offering, not all roosters. This concern does not apply to white wheat, unless the buyer specifies that he wants the wheat for the purpose of idol worship.

If you say – אִם תֵּימְצִי לוֹמַר: Granted, there is a concern that the gentile is employing artifice in the case of a damaged rooster, as he assumes nobody will have such a rooster for sale. But does the same concern apply when he is not only speaking, which costs him nothing, but is even willing to pay money for a rooster that cannot be used for idol worship (Ra'avad)? Others explain similarly that it might be thought that his motive is suspect specifically when he asks for a damaged rooster, as it is so unlikely that someone will have such a creature (Ramban).

Yet others contend that the concern is greater in the second case, and they maintain that the text should be adjusted accordingly. They opine that if the gentile asks for a damaged rooster, there is less cause for concern, as he would not demean his idol by asking for such a creature. Even so, there might still be room for concern in a case where a gentile asks for an undamaged rooster, albeit of a different kind (Rav Hai Gaon).

HALAKHA

He is employing artifice – אִיעֲרוּמֵי קָא מַעֲרִים: If one suspects that a gentile wants to buy items that are specifically used for idol worship, and he is pretending that he is happy to also buy other items as well, it is prohibited to sell to him the items that are used for idol worship. The *halakha* is to be stringent because this dilemma is left unresolved in the Gemara (*Shulḥan Arukh, Yoreh De'a* 151:2).

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וּמַאי קַשְׁיָא? דְּקָתָנֵי, רַבִּי מֵאִיר אוֹמֵר: אַף דָּקֶל טַב, חָצָב וְנַקְלָס – אָסוּר לְמְכּוֹר לְגוֹיִם; דָּקֶל טַב הוּא דְּלָא מְזַבְּנִינַן, הָא דָּקֶל בִּישׁ מְזַבְּנִינַן; וְהָתְנַן: אֵין מוֹכְרִין לָהֶם בִּמְחוּבָּר לַקַּרְקַע! אֲמַר לֵיהּ: מַאי ״דָּקֶל טַב״? פֵּירוֹת דָּקֶל טַב. וְכֵן אָמַר רַב הוּנָא: פֵּירוֹת דָּקֶל טַב.

Avimei asked him: **And what** in the mishna here **poses a difficulty** for you? He replied: I do not understand the mishna **which teaches** the following: **Rabbi Meir says:** It is **prohibited to sell even a good palm tree, *ḥatzav*, and *naklas*[L] to gentiles.** It may be inferred from here that **it is a good palm tree that one does not sell** to gentiles, **but one may sell a bad palm tree. But didn't we learn** in another mishna (19b) that **one may not sell to** gentiles anything that is **attached to the ground?** Avimei **said to him: What** is the meaning of: **A good palm tree?** It means the detached **fruit of a good palm tree. And similarly, Rav Huna says:** The mishna means the **fruit of a good palm tree.**

״חָצָב״ – קַשְׁבָּא. ״נַקְלָס״ – כִּי אֲתָא רַב דִּימִי אָמַר רַבִּי חָמָא בַּר יוֹסֵף: קוֹרְיָיטִי. אָמַר לֵיהּ אַבַּיֵי לְרַב דִּימִי: תְּנַן ״נַקְלָס״ וְלָא יָדְעִינַן מַהוּ, וְאָתְּ אָמְרַתְּ ״קוֹרְיָיטִי״ וְלָא יָדְעִינַן, מַאי אַהֲנַית לָן? אָמַר לֵיהּ: אַהֲנַאי לְכוּ, דְּכִי אָזְלִיתְּ הָתָם אָמְרַתְּ לְהוּ ״נַקְלָס״ וְלָא יָדְעִי, אָמְרַתְּ לְהוּ ״קוֹרְיָיטִי״ – וְיָדְעִי, וְקָא מַחֲווּ לָךְ.

The Gemara explains the meaning of other terms that appear in the mishna. ***Ḥatzav*** is a type of date known as ***kashba*.**[LN] With regard to the meaning of ***naklas*,** the Gemara relates: **When Rav Dimi came**[B] from Eretz Yisrael to Babylonia, **he said** that **Rabbi Ḥama bar Yosef** said that it is referring to ***koreyatei*.**[L] **Abaye said to Rav Dimi: We learned** in the mishna ***naklas*, and we did not know what it is, and** now **you have said** that it means ***koreyatei*, and we do not know** what that is either. **How have you helped us?** Rav Dimi **said to him: I have** in fact **helped you, as when you go there,** to Eretz Yisrael, and **say to them *naklas*, and they do not know** what it means, **say to them *koreyatei*,**[N] **and they** will **know** what it is, **and they will show** it **to you.**

מתני׳ מָקוֹם שֶׁנָּהֲגוּ לִמְכּוֹר בְּהֵמָה דַּקָּה לְגוֹיִם – מוֹכְרִין, מָקוֹם שֶׁנָּהֲגוּ שֶׁלֹּא לִמְכּוֹר – אֵין מוֹכְרִין. וּבְכָל מָקוֹם אֵין מוֹכְרִין לָהֶם בְּהֵמָה גַּסָּה, עֲגָלִים וּסְיָיחִים, שְׁלֵמִין וּשְׁבוּרִין; רַבִּי יְהוּדָה מַתִּיר בִּשְׁבוּרָה, וּבֶן בְּתֵירָא מַתִּיר בְּסוּס.

MISHNA In **a place where** the residents **were accustomed to sell small domesticated animals**[H] **to gentiles, one may sell** them. In **a place where they were not accustomed to sell**[N] them, **one may not sell** them. **But in every place, one may not sell them large livestock,**[H] **calves, or foals,** whether these animals are **whole or damaged.**[N] The Sages prohibited these sales lest a Jew's animal perform labor for the gentile on Shabbat in violation of an explicit Torah prohibition, as explained in the Gemara. **Rabbi Yehuda permits** the sale **of a damaged** animal because it is incapable of performing labor, **and ben Beteira permits** the sale **of a horse**[H] for riding, because riding a horse on Shabbat is not prohibited by Torah law.

גמ׳ לְמֵימְרָא, דְּאִיסּוּרָא לֵיכָּא, מִנְהָגָא הוּא דְּאִיכָּא, הֵיכָא דְּנָהֲיג אִיסּוּר – נָהוּג, הֵיכָא דְּנָהֲיג הֵיתֵּר – נָהוּג;

GEMARA The mishna teaches that one may not sell small domesticated animals to gentiles if it is not the accepted practice. The Gemara infers: That is **to say that there is no prohibition** involved; rather, **there is a custom** not to sell small domesticated animals. Therefore, **where the practice** is to **prohibit** the sale, that is what is **practiced,** and **where the practice** is to **permit the sale,** that is what is **practiced.**

LANGUAGE

***Naklas* – נַקְלָס:** *Naklas*, or *naklavos*, according to alternative versions of the text, is apparently a variety of date named for the historian Nicolaus of Damascus, who would regularly send supplies of them to the Emperor Augustus..

***Kashba* – קַשְׁבָּא:** From Syriac, and similar to the Arabic قسب, *qasb*, meaning a type of date.

***Koreyatei* – קוֹרְיָיטֵי:** The equivalent of the Greek καρυῶτις, *karuotis*, and Latin caryotis, it refers to the fruit of the fishtail palm, a type of date that bears a slight resemblance to a nut.

Fruit of the fishtail palm, *Caryota mitis*

BACKGROUND

When Rav Dimi came – כִּי אֲתָא רַב דִּימִי: Rav Dimi was one of the Sages who would often travel from Eretz Yisrael to Babylonia, primarily to transmit the Torah of Eretz Yisrael to the Torah centers of the Diaspora, although occasionally, he traveled on business as well. Many questions, particularly those concerning the statements of Sages from Eretz Yisrael, remained unresolved in Babylonia until Rav Dimi would arrive and elucidate the *halakha*, the novel expression, or the unique circumstances pertaining to a particular statement that required clarification.

HALAKHA

In a place where the residents were accustomed to sell small domesticated animals – מָקוֹם שֶׁנָּהֲגוּ לִמְכּוֹר בְּהֵמָה דַּקָּה: In a place where the residents are accustomed to sell small domesticated animals to gentiles, it is permitted to sell them. If they are accustomed not to sell such animals to gentiles, one may not sell them (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:5; *Shulḥan Arukh*, *Yoreh De'a* 151:4).

One may not sell them large livestock – אֵין מוֹכְרִין לָהֶם בְּהֵמָה גַּסָּה: The Sages prohibit lending or leasing one's large livestock to a gentile, lest he make it work on Shabbat, which would cause the Jew to violate the mitzva to let one's animals rest on Shabbat. The Sages also decreed (see 15a) that it is prohibited to sell damaged animals to gentiles, lest one come to lend or lease his undamaged animals to them (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:3; *Shulḥan Arukh*, *Yoreh De'a* 151:4; see also *Oraḥ Ḥayyim* 246:3).

Permits the sale of a horse – מַתִּיר בְּסוּס: It is permitted to sell a horse to a gentile, as it is not used for transporting burdens but only for riding, which is not prohibited on Shabbat by Torah law. This *halakha* is in accordance with the opinion of ben Beteira (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:4).

NOTES

***Ḥatzav* is *kashba* – חָצָב קַשְׁבָּא:** Rashi explains that that *kashba* is a unique species of dates, as it is mentioned elsewhere that there is a type of palm called *kashba*. Rashi offers a second explanation, also found in the Rid, that *kashba* is squill, a plant that is not eaten but is brought as an offering for idols due to its beauty. Others hold that *kashba* is referring to sugarcane (*Arukh*; Rambam's Commentary on the Mishna).

***Koreyatei* – קוֹרְיָיטֵי:** This is apparently a type of fruit (Rashi), but its precise identification is unknown (Rabbeinu Ḥananel).

Not to sell – שֶׁלֹּא לִמְכּוֹר: The Gemara explains that in many places gentiles were suspected of engaging in bestiality with small domesticated animals, a practice that is prohibited as one of the seven Noahide laws. It is therefore prohibited to help them acquire small domesticated animals due to the prohibition against placing a stumbling block before the blind. In other locations, Jews were accustomed to sell small domesticated animals to gentiles, as the gentiles of those places were not suspected of engaging in bestiality.

Calves, or foals, whether these animals are whole or damaged – עֲגָלִים וּסְיָיחִים שְׁלֵמִין וּשְׁבוּרִין: Some commentaries explain that one may not sell calves, foals, or damaged livestock to gentiles, despite the fact that the first two are not currently fit to perform labor and damaged livestock will never be able to do so, lest one come to sell large livestock that are not damaged (Rashi). Others maintain that in the case of damaged animals the concern is that one might see a damaged animal that was previously owned by a Jew and now belongs to a gentile, and, mistakenly assuming that it was hurt while in the possession of the gentile, come to sell an undamaged animal to a gentile (*Tosafot*).

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וּרְמִינְהִי: אֵין מַעֲמִידִין בְּהֵמָה בְּפוּנְדָּקָאוֹת שֶׁל גּוֹיִם, מִפְּנֵי שֶׁחֲשׁוּדִין עַל הָרְבִיעָה! אָמַר רַב: מָקוֹם שֶׁהִתִּירוּ לְמָכוֹר הִתִּירוּ לְיַיחֵד, מָקוֹם שֶׁאָסְרוּ לְיַיחֵד אָסְרוּ לְמָכוֹר.

And the Gemara **raises a contradiction** from the mishna on 22a: **One may not keep an animal in the inns of gentiles,**[H] **because they are suspected of** engaging in **bestiality.**[B] If so, it should be prohibited in all places to sell animals to gentiles, as one is thereby placing a stumbling block before the blind. **Rav says:** The *halakha* of the mishna there, with regard to keeping an animal in a gentile inn, is contingent on the ***halakha*** of the mishna here. If it is **a place where** the Sages **permitted one to sell** animals to gentiles, it must be that the gentiles of that location are not suspected of engaging in bestiality. Therefore, the Sages **permitted one to leave** the animal **in seclusion** with the gentile at the inn. Conversely, in **a place where** the Sages **prohibited one from leaving** the animal **in seclusion** with the gentile at the inn, because the gentiles there are suspected of engaging in bestiality, **they** also **prohibited one from selling** animals to gentiles there.

HALAKHA

One may not keep an animal in the inns of gentiles – אֵין מַעֲמִידִין בְּהֵמָה בְּפוּנְדָּקָאוֹת שֶׁל גּוֹיִם: One may not keep an animal in the inns of gentiles, nor provide any animal to gentile shepherds, because they are suspected of engaging in bestiality. But in places where the gentiles are not suspected of engaging in bestiality, and certainly where such behavior is penalized, keeping an animal with a gentile is permitted (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:5–6 and *Maggid Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 153:1).

BACKGROUND

They are suspected of engaging in bestiality – חֲשׁוּדִין עַל הָרְבִיעָה: The Meiri asserts that passages such as this one are not applicable to contemporary gentiles. This assertion, which he firmly reiterates throughout his voluminous writings, has been endorsed by subsequent sages, including twentieth-century rabbinic authorities such as Rav Abraham Isaac Kook, Rav Yechiel Yaakov Weinberg, and Rav Eliezer Waldenburg.

Perek **I**
Daf **15** Amud **a**

וְרַבִּי אֶלְעָזָר אוֹמֵר: אַף בְּמָקוֹם שֶׁאָסְרוּ לְיַיחֵד – מוּתָּר לְמָכוֹר; מַאי טַעְמָא? גּוֹי חַס עַל בְּהֵמְתּוֹ שֶׁלֹּא תֵּעָקֵר. וְאַף רַב הַדָּר בֵּיהּ, דְּאָמַר רַב תַּחְלִיפָא אָמַר רַב שֵׁילָא בַּר אֲבִימִי מִשְׁמֵיהּ דְּרַב: גּוֹי חַס עַל בְּהֵמְתּוֹ שֶׁלֹּא תֵּעָקֵר.

And Rabbi Elazar says: Even in a place where they prohibited leaving an animal **in seclusion** with a gentile,[N] it is **permitted to sell** it to a gentile. **What is the reason?** Once the animal is sold to the gentile, there is no concern that he will engage in bestiality. This is because **a gentile spares his** own **animal** from bestiality, **as** he does **not** want it to **become sterile**[N] through this practice. By contrast, it is prohibited to leave one's animal in seclusion with a gentile, as he would have no such compunction with regard to an animal belonging to others. The Gemara notes: **And even Rav retracted his** opinion; **as Rav Taḥlifa says** that **Rav Sheila bar Avimi says in the name of Rav: A gentile spares his animal, as** he does **not** want it to **become sterile.**

NOTES

Even in a place where they prohibited leaving an animal in seclusion with a gentile – אַף בְּמָקוֹם שֶׁאָסְרוּ לְיַיחֵד: Rabbi Elazar interprets that mishna in accordance with its literal meaning, that it is always prohibited to leave an animal in seclusion with a gentile, and this prohibition is not dependent on the local custom.

As he does not want it to become sterile – שֶׁלֹּא תֵּעָקֵר: Accordingly, one may sell an animal to a gentile, as it was once believed that after being sodomized the animal would become sterile, and therefore gentiles would not engage in bestiality with their own animals. Nevertheless, in some locations the custom was to be stringent and not to sell animals to gentiles, notwithstanding the above reasoning (Rashi).

One who drives his laden animal, etc. – וְהַמְחַמֵּר אַחַר בְּהֵמְתּוֹ וכו': The prohibition against driving a laden animal on Shabbat applies whether one causes it to move forward by striking it or merely by speaking.

"וּבְכָל מָקוֹם אֵין מוֹכְרִין בְּהֵמָה גַּסָּה" כו'. מַאי טַעְמָא? נָהֵי דְּלִרְבִיעָה לָא חָיְישִׁינַן, מֵעֲבִיד בֵּיהּ מְלָאכָה חָיְישִׁינַן.

§ The mishna teaches: **But in every place one may not sell** to gentiles **large livestock,** calves, or foals, whether these animals are whole or damaged. The Gemara explains: **What is the reason?** The Gemara explains: **Granted, we are not concerned about** the gentile engaging in **bestiality** with the animal, but **we are concerned** about him **putting** the animal **to work** on Shabbat.

וְנֵיעֲבֵיד, כֵּיוָן דְּזַבְּנָהּ קָנְיָיהּ! גְּזֵירָה מִשּׁוּם שְׁאֵלָה וּמִשּׁוּם שְׂכִירוּת.

The Gemara expresses puzzlement: **And let** the gentile **put** it **to work.** Why should one be concerned about this possibility? **Since he bought it, he acquires it** and may put it to work on Shabbat, as it no longer belongs to the Jew. The Gemara answers: Selling it is prohibited by rabbinic **decree due to** the concern of **lending and due to** the concern of **leasing** the animal to the gentile, as in those cases the animal would be performing work on Shabbat when it is owned by a Jew.

שְׁאֵלָה קָנְיָיהּ, וְאַגְּרָא קָנְיָיהּ!

The Gemara raises a further difficulty: But during that time period, the act of **borrowing** the animal causes the gentile to temporarily **acquire it, and** likewise, by **leasing** the animal, he temporarily **acquires it.** Why, then, is it a problem if the gentile puts the animal to work on Shabbat?

אֶלָּא אָמַר רָמִי בְּרֵיהּ דְּרַב יֵיבָא: גְּזֵירָה מִשּׁוּם נִסְיוֹנֵי, דִּזְמַנִּין דְּזַבְּנָהּ לָהּ נִיהֲלֵיהּ סָמוּךְ לִשְׁקִיעַת הַחַמָּה דְּמַעֲלֵי שַׁבְּתָא, וְאָמַר לֵיהּ: תָּא נַסְיֵיהּ נִיהֲלֵיהּ, וְשָׁמְעָה לֵיהּ לְקָלֵיהּ וְאָזְלָא מֵחֲמָתֵיהּ, וְנִיחָא לֵיהּ דְּתֵיזַל, וַהֲוָה לֵיהּ מְחַמֵּר אַחַר בְּהֵמְתּוֹ בְּשַׁבָּת, וְהַמְחַמֵּר אַחַר בְּהֵמְתּוֹ בְּשַׁבָּת – חַיָּיב חַטָּאת.

Rather, Rami, son of Rav Yeiva, said: Selling is prohibited by rabbinic **decree due to** the concern with regard to **testing. As at times, one sells** an animal **to** a gentile when it is **close to sunset of Shabbat eve, and** one **says to him: Go** and **test** the animal, **and it hears the voice of** its Jewish owner **and walks because of his** command. **And it is beneficial to** the Jewish seller **that** the animal **should walk,** as he wants to demonstrate to the gentile that it is fit for labor. **And** in this manner, **he is** considered **one who drives his** laden **animal on Shabbat. And one who drives his** laden **animal**[N] **on Shabbat** is **liable** to bring **a sin-offering.**

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מַתְקִיף לָהּ רַב שֵׁישָׁא בְּרֵיהּ דְּרַב אִידִי: וּשְׁכִירוּת מִי קָנְיָא? וְהָתְנַן: אַף בְּמָקוֹם שֶׁאָמְרוּ לְהַשְׁכִּיר – לֹא לְבֵית דִּירָה אָמְרוּ, מִפְּנֵי שֶׁמַּכְנִיס לְתוֹכוֹ עֲבוֹדָה זָרָה; וְאִי סָלְקָא דַּעְתָּךְ שְׁכִירוּת קָנְיָא, הַאי כִּי קָא מְעַיֵּיל – לְבֵיתֵיהּ קָא מְעַיֵּיל!

Rav Sheisha, son of Rav Idi, objects to the Gemara's assumption that leasing confers ownership. **And** by **leasing** an item, **does one** actually **acquire** it? **But didn't we learn** in the mishna (21a): **Even in a place** with regard to **which** the Sages **said** that it is permitted for a Jew **to rent** a house to a gentile,[N] **they did not say** that one may rent it **for** use as **a residence, because** the gentiles will **bring** objects of **idol worship into it?** The objection is as follows: **And if it enters your mind** to say that through **leasing** one **acquires** an item or property, then **when this** gentile **brings** the idols **into** the house **he brings them into his** own **house.** Why, then, is it prohibited for a Jew to rent a residence to a gentile?

שָׁאנֵי עֲבוֹדָה זָרָה דַּחֲמִירָא, דִּכְתִיב: ״וְלֹא תָבִיא תוֹעֵבָה אֶל בֵּיתֶךָ״.

The Gemara answers: **Idol worship is different, as it is** a particularly **severe** prohibition, and therefore even an item that does not entirely belong to a Jew is treated with great stringency. **As it is written: "And you shall not bring an abomination into your house"** (Deuteronomy 7:26), and this house still retains the name of its Jewish owner.

מַתְקִיף לָהּ רַב יִצְחָק בְּרֵיהּ דְּרַב מְשַׁרְשִׁיָא: וּשְׁכִירוּת מִי קָנְיָא? וְהָא תְּנַן: יִשְׂרָאֵל שֶׁשָּׂכַר פָּרָה מִכֹּהֵן – יַאֲכִילֶנָּה כַּרְשִׁינֵי תְּרוּמָה, וְכֹהֵן שֶׁשָּׂכַר פָּרָה מִיִּשְׂרָאֵל, אַף עַל פִּי שֶׁמְּזוֹנוֹתֶיהָ עָלָיו – לֹא יַאֲכִילֶנָּה כַּרְשִׁינֵי תְּרוּמָה.

Rav Yitzḥak, son of Rav Mesharshiyya, also **objects to** the Gemara's assumption that leasing confers ownership. **And** by **leasing** an item, **does one** actually **acquire** it? **But didn't we learn** in a mishna (*Terumot* 11:9): **An Israelite who rented a cow from a priest**[H] **may feed it vetches of *teruma*,**[B] as the animal belongs to a priest; **and** conversely, **a priest who rented a cow from an Israelite, although the responsibility to feed it is incumbent upon him, he may not feed it vetches of *teruma*,** as it does not belong to him.

וְאִי סָלְקָא דַּעְתָּךְ שְׁכִירוּת קָנְיָא, אַמַּאי לֹא יַאֲכִילֶנָּה? פָּרָה דִּידֵיהּ הִיא! אֶלָּא שְׁמַע מִינָּהּ, שְׁכִירוּת לָא קָנְיָא. וְהָשְׁתָּא דְּאָמְרַתְּ שְׁכִירוּת לָא קָנְיָא – גְּזֵירָה מִשּׁוּם שְׁכִירוּת, וּגְזֵירָה מִשּׁוּם שְׁאֵלָה, וּגְזֵירָה מִשּׁוּם נִסְיוֹנֵי.

And if it enters your mind to say that through **leasing** one **acquires** the item, **why can't** the priest **feed it** vetches of *teruma*? After all, **it is** currently **his own cow. Rather, learn from** here that one **does not acquire** an item through **leasing.** The Gemara comments: **And now that you** have **said** that one **does not acquire** an item through **leasing,** and therefore an animal that was leased to a gentile still belongs to the Jew, the original proposal can be accepted: The reason that one cannot sell large livestock to gentiles is a rabbinic **decree due to** the concern of **leasing, and a decree due to** the concern of **lending** the animal to the gentile, **and** also **a decree due to** the concern of **testing.**

רַב אַדָּא שְׁרָא לְזַבּוּנֵי חֲמָרָא אַיְּידָא דְּסַפְּסִירָא, אִי מִשּׁוּם נִסְיוֹנֵי – הָא לָא יָדְעָה לְקָלֵיהּ דְּאָזְלָא מֵחֲמָתֵיהּ, וְאִי מִשּׁוּם שְׁאֵלָה וּשְׁכִירוּת – כֵּיוָן דְּלָא דִּידֵיהּ הִיא לָא מוֹשֵׁיל וְלָא מוֹגַר, וְעוֹד, מִשּׁוּם דְּלָא נִיגְלֵי בֵּיהּ מוּמָא.

§ The Gemara relates: **Rav Adda permitted** the owners of a donkey **to sell** their **donkey** to gentiles **by means of** a Jewish **middleman** [***desafseira***].[HLN] He reasoned as follows: **If** the concern is **due to testing,** in this case the animal **does not recognize the voice of** the middleman so **that it would walk because of him. And if** the concern is **due to lending and leasing, since** the donkey **is not his,** that middleman **would neither lend nor lease** it. **Additionally,** the middleman would not lease or lend the animal **because** he wants to sell it and **does not** want any **blemish to be revealed in it.**

רַב הוּנָא זַבִּין הַהִיא פָּרָה לְגוֹי, אֲמַר לֵיהּ רַב חִסְדָּא: מַאי טַעְמָא עֲבַד מָר הָכִי? אֲמַר לֵיהּ: אֵימוּר לִשְׁחִיטָה זְבָנָהּ.

The Gemara relates: **Rav Huna sold a certain cow**[N] **to a gentile. Rav Ḥisda said to him: What is the reason** that **the Master acted in that manner?** Rav Huna **said to him:** I can **say** that **he purchased it** in order **to slaughter** it,[H] not to use it for labor.

HALAKHA

Israelite who rented a cow from a priest, etc. – יִשְׂרָאֵל שֶׁשָּׂכַר פָּרָה מִכֹּהֵן וכו׳: An Israelite who rented a cow from a priest may feed it vetches of *teruma*. Conversely, if a priest rented a cow from an Israelite, although he is obligated to feed the animal, he may not give it vetches of *teruma*, as it does not belong to him (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 9:7).

Sell a donkey by means of a middleman – זַבּוּנֵי חֲמָרָא אַיְּידָא דְּסַפְּסִירָא: One may sell large livestock to gentiles by means of a middleman, as a middleman does not lend or lease animals. This *halakha* is in accordance with the statement of Rav Adda (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:3; *Shulḥan Arukh*, *Yoreh De'a* 151:4).

Say that he purchased it in order to slaughter it – אֵימוּר לִשְׁחִיטָה זְבָנָהּ: It is permitted to sell large livestock to gentiles if the seller knows that the gentile intends to slaughter the animal, in accordance with the opinion of Rav Huna, as explained by Rav Hai Gaon (Gra). Nowadays, the custom is to permit the sale of large livestock in all cases. Nevertheless, it is prohibited to lend or lease one's animal to a gentile for the purpose of performing labor on Shabbat, and one who does so should be rebuked (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 246:3 and *Yoreh De'a* 151:4).

BACKGROUND

Vetches of *teruma* – כַּרְשִׁינֵי תְּרוּמָה: The vetch, or *karshina*, *Vicia ervilia*, is an annual plant of the legume family, which reaches a height of 20–70 cm. Its seeds are brown, tetrahedral, and their diameter is 3.5 to 5.5 mm. Like other grain legumes, vetches are high in nutritional value and are easily digested by sheep and cattle. The vetch is a winter and spring crop in Mediterranean countries, and it is still grown in Arab villages today.

The plant and its seeds serve as food for animals. To soften the seeds, they are sometimes soaked in water overnight. Despite the fact that it is usually eaten only by animals, the vetch is fit for human consumption and was eaten during difficult times, such as famines. Consequently, vetches are subject to the obligation of separating tithes and *terumot*, although they were generally given to the animals of the priests.

Vetch plant

LANGUAGE

Middleman [*safseira*] – סַפְּסִירָא: This word is probably a loanword from a Middle Persian term meaning middleman. In New Persian it is pronounced šafšēr.

NOTES

Even in a place with regard to which the Sages said that it is permitted for a Jew to rent a house to a gentile – אַף בְּמָקוֹם שֶׁאָמְרוּ לְהַשְׁכִּיר: This mishna first states that it is always prohibited for a Jew to rent a house to a gentile in Eretz Yisrael, and it is permitted to do so only outside of Eretz Yisrael. The mishna then adds a qualification, that even outside of Eretz Yisrael it is not always permitted.

By means of a middleman [*desafseira*] – אַיְּידָא דְּסַפְּסִירָא: According to this version of the text, *safseira* is a middleman who sells an animal to a buyer on behalf of the owner, without purchasing it himself (Rashi, as explained by some commentaries). Alternatively, the *safseira* is a trader who actually buys the animal, but since he purchases and sells so many animals without retaining them in his possession, there is no concern that he might come to lend, lease, or test the animal, as his only interest is in selling it (Meiri, citing Rif).

Sold a certain cow – זַבִּין הַהִיא פָּרָה: Rashi explains that the buyer did not specify why he wished to purchase the cow. Others maintain that Rav Huna knew that the buyer intended to slaughter the cow (Rav Hai Gaon in *Sefer HaMikkaḥ VehaMimkar*); some suggesting that the gentile might have been a butcher (Ra'avad), in which case it is assumed that he bought the cow to slaughter it. Nevertheless, Rav Ḥisda holds that there is a concern that he might put the cow to labor on Shabbat before he slaughters it. Alternatively, Rav Huna knew that the buyer was preparing a feast, and therefore it can be assumed that he required the cow for that purpose (see Ramban).

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וּמְנָא תֵּימְרָא דְּאָמְרִינַן כִּי הַאי גַּוְונָא? דִּתְנַן, בֵּית שַׁמַּאי אוֹמְרִים: לֹא יִמְכּוֹר אָדָם פָּרָה הַחוֹרֶשֶׁת בַּשְּׁבִיעִית, וּבֵית הִלֵּל מַתִּירִין, מִפְּנֵי שֶׁיָּכוֹל לִשְׁחָטָהּ.

Rav Huna added: **And from where do you say that** in **a case like this we say** that the animal will be slaughtered, and one is not concerned about placing a stumbling block before the blind, despite the fact that the animal could be used to violate a prohibition? **As we learned** in a mishna (*Shevi'it* 5:8) that **Beit Shammai say: A person may not sell a cow that plows in the Sabbatical** Year,[BH] as it is prohibited to plow during the Sabbatical Year and the buyer presumably wants it for this purpose. **And Beit Hillel permit** selling the cow, **since** the buyer **can slaughter it** rather than use it for plowing. This shows that according to Beit Hillel, whose opinion is accepted as *halakha*, one may assume that an animal will be used for a permitted purpose, rather than for a prohibited action.

אָמַר רַבָּה: מִי דָּמֵי? הָתָם אֵין אָדָם מְצוּוֶּה עַל שְׁבִיתַת בְּהֶמְתּוֹ בַּשְּׁבִיעִית, הָכָא אָדָם מְצוּוֶּה עַל שְׁבִיתַת בְּהֶמְתּוֹ בְּשַׁבָּת!

Rabba said: Are these matters **comparable? There,** with regard to the Sabbatical Year, **a person is not commanded to** let **his animal rest during the Sabbatical** Year, as there is no prohibition against his animal performing labor. Therefore, there is no reason to decree that the sale is prohibited lest he lend, lease, or test the animal. As for the concern that he is misleading the buyer and encouraging him to sin, he may rely on the fact that the buyer probably intends to slaughter the animal. But **here,** with regard to selling an animal to a gentile, **a person is commanded to** let **his animal rest**[H] **on Shabbat,** and therefore the Sages decreed the sale prohibited in case he comes to lend, lease, or test the animal.

אֲמַר לֵיהּ אַבַּיֵי: וְכָל הֵיכָא דְּאָדָם מְצוּוֶּה אָסוּר? וַהֲרֵי שָׂדֶה, דְּאָדָם מְצוּוֶּה עַל שְׁבִיתַת שָׂדֶהוּ בַּשְּׁבִיעִית, וּתְנַן, בֵּית שַׁמַּאי אוֹמְרִים: לֹא יִמְכּוֹר אָדָם שְׂדֵה נִיר בַּשְּׁבִיעִית, וּבֵית הִלֵּל מַתִּירִין, מִפְּנֵי שֶׁיָּכוֹל לְהוֹבִירָהּ!

Abaye said to Rabba: **And** does this mean that **wherever a person is commanded** to allow his possessions to rest it is **prohibited** to sell an item to one who might use it to perform labor, even if he might also use it for an innocent purpose? **But** there is the case of **a field, as a person is commanded to** let **his field rest during the Sabbatical** Year, **and** yet **we learned** in a *baraita* that **Beit Shammai say: A person may not sell a plowed field during the Sabbatical** Year,[H] as it is presumed that the buyer will sow it, **and Beit Hillel permit** this sale, **since** the buyer **can let it lie fallow** during the Sabbatical Year. In this case, although one is commanded to let his field rest during the Sabbatical Year, he may still sell it under the assumption that the buyer will use the field in a permitted manner.

מַתְקִיף לָהּ רַב אַשִׁי: וְכָל הֵיכָא דְּאֵין אָדָם מְצוּוֶּה שָׁרֵי? וַהֲרֵי כֵּלִים, דְּאֵין אָדָם מְצוּוֶּה עַל שְׁבִיתַת כֵּלִים בַּשְּׁבִיעִית, וּתְנַן, אֵלּוּ הֵן כֵּלִים שֶׁאֵין אָדָם רַשַּׁאי לְמוֹכְרָן בַּשְּׁבִיעִית: הַמַּחֲרֵישָׁה וְכָל כֵּלֶיהָ, הָעוֹל וְהַמְּזֵרֶה וְהַדֶּקֶר!

Rav Ashi also **objects to** Rabba's statement: **And** conversely, is it true that **wherever a person is not commanded** to allow his possessions to rest it is **permitted** to sell the item? **But** there is the case of **vessels, as a person is not commanded to** let his **vessels rest during the Sabbatical** Year, **and** yet **we learned** in a mishna (*Shevi'it* 5:6): **These are the implements that a person is not allowed to sell during the Sabbatical** Year:[H] **The plow and all of its appurtenances,**[B] **the yoke** that is used to hitch the cow to the plow, **and the winnowing fork,**[B] **and the stake.**[B]

HALAKHA

Cow that plows in the Sabbatical Year – פָּרָה הַחוֹרֶשֶׁת בַּשְּׁבִיעִית: It is permitted to sell a cow that plows to a Jew who is suspected of performing labor during the Sabbatical Year, as he might be purchasing the cow for slaughter (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 8:6).

A person is commanded to let his animal rest – אָדָם מְצוּוֶּה עַל שְׁבִיתַת בְּהֶמְתּוֹ: It is prohibited for a Jew to lend or lease large livestock to a gentile, as the gentile might put the animal to labor on Shabbat, and the Jew is commanded to let his animal rest on the holy day (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 246:3).

Plowed field during the Sabbatical Year – שְׂדֵה נִיר בַּשְּׁבִיעִית: It is permitted to sell a plowed field during the Sabbatical Year to a Jew who is suspected of performing labor during the seventh year, as it is possible that he will let it lie fallow (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 8:6).

Implements that a person is not allowed to sell during the Sabbatical Year – כֵּלִים שֶׁאֵין אָדָם רַשַּׁאי לְמוֹכְרָן בַּשְּׁבִיעִית: It is prohibited to sell during the Sabbatical Year any implement that is specifically used for performing labor prohibited in the Sabbatical Year, to one who is suspected of performing this prohibited labor. Examples of this type of equipment include a plow and all of its appurtenances, a yoke, a winnowing fan, and a mattock. If the equipment can be used for either a permitted or a prohibited purpose, it is permitted to sell it to a Jew who is suspected of performing labor during the Sabbatical Year (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 8:2).

BACKGROUND

The Sabbatical Year – שְׁבִיעִית: The Hebrew term for the Sabbatical Year, *shemitta*, means abandonment or release. During the Sabbatical Year, all agricultural land must lie fallow. It is prohibited to work the land, except for what is necessary to keep existing crops alive. All produce that does grow is ownerless and must be left unguarded in the fields so that any creature, including wild animals and birds, can have ready access to it. As long as produce can still be found in the fields, it may be eaten, though it may not be bought and sold in the normal manner or used for purposes other than food. After the last remnants of a crop have been removed from the field, restrictions apply to whatever produce remains.

Plow and all of its appurtenances – מַחֲרֵישָׁה וְכָל כֵּלֶיהָ: In the talmudic period, the frame of the plow was made of wood, with an iron blade attached. In addition to the blade, other stakes were attached to the frame for the purpose of turning over the soil and, afterward, straightening the furrows. Yet other pieces of equipment were also attached to the plow, e.g., the apparatus used for sowing seeds.

Plow

Winnowing fork – מְזֵרֶה: The winnowing fork is an agricultural tool, similar to a pitchfork, that is used to throw the grain into the air so that the wind will blow away the lighter chaff, leaving behind the heavier grain.

Farmer winnowing with a pitchfork

Stake [*deker*] – דֶּקֶר: The term *deker* can refer to several implements, although it principally refers to a type of sharpened metal stake. The purposes of this stake included digging holes in the ground to prepare the soil for sowing and breaking up large clods of earth, possibly to aid in the removal of weeds.

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אֶלָּא אֲמַר רַב אַשִׁי: כָּל הֵיכָא דְּאִיכָּא לְמֵימַר – תָּלֵינַן וְאַף עַל גַּב דְּמִצְוָוה, וְכָל הֵיכָא דְּלֵיכָּא לְמֵימַר – לָא תָּלֵינַן, אַף עַל גַּב דְּאֵינוֹ מִצְוָוה.

Rather, Rav Ashi said: Anywhere that it is possible **to assign** an innocent motive,[N] **one assigns** such a motive, **and** this applies **even though one is commanded** to allow the item to rest. **And anywhere that it is not** possible **to assign** an innocent motive, **one does not assign** an innocent motive, **even though one is not commanded** to allow the item to rest.

רַבָּה זַבִּין הַהוּא חַמָּרָא לְיִשְׂרָאֵל הַחֲשִׁיד לְמִכּוֹר לְגוֹי, אֲמַר לֵיהּ אַבַּיֵי: מַאי טַעְמָא עֲבַד מָר הָכִי? אֲמַר לֵיהּ: אֲנָא לְיִשְׂרָאֵל זַבֵּינִי. אֲמַר לֵיהּ: וְהָא אָזֵיל וּמְזַבֵּין לֵיהּ לְגוֹי! לְגוֹי קָא מְזַבֵּין, לְיִשְׂרָאֵל לָא קָא מְזַבֵּין?

§ The Gemara relates: **Rabba sold a certain donkey to a Jew who was suspected of selling** large livestock **to a gentile. Abaye said to** Rabba: **What is the reason** that **the Master acted in this manner?** Rabba **said to him: I sold** the donkey **to a Jew.** Abaye **said to him: But he will go and sell it to a gentile.** Rabba responded: Is the only possibility that **he will sell to a gentile,** and **he will not sell it to a Jew?** Since there is no reason to assume that he will sell specifically to a gentile rather than to a Jew, there is no problem in selling to him.

אֵיתִיבֵיהּ: מָקוֹם שֶׁנָּהֲגוּ לִמְכּוֹר בְּהֵמָה דַּקָּה לְכוּתִים – מוֹכְרִין, שֶׁלֹּא לִמְכּוֹר – אֵין מוֹכְרִין; מַאי טַעְמָא? אִילֵימָא מִשּׁוּם דַּחֲשִׁידִי אַרְבִיעָה, וּמִי חֲשִׁידִי? וְהָתַנְיָא: אֵין מַעֲמִידִין בְּהֵמָה בְּפוּנְדָּקָאוֹת שֶׁל גּוֹיִם, זְכָרִים אֵצֶל זְכָרִים וּנְקֵבוֹת אֵצֶל נְקֵבוֹת, וְאֵין צָרִיךְ לוֹמַר נְקֵבוֹת אֵצֶל זְכָרִים וּזְכָרִים אֵצֶל נְקֵבוֹת,

Abaye **raised an objection to** Rabba's opinion from a *baraita*: In **a place where** the people **were accustomed to sell small livestock to Samaritans, one may sell** the animals to them; in a place **where** the people were **not** accustomed **to sell** them **one may not sell** the animals to them. **What is the reason** that the sale of small livestock to Samaritans is prohibited? **If we say** that it is **because** Samaritans **are suspected of** engaging in **bestiality, are they suspected** of this practice? **But isn't it taught** in a *baraita*: **One may not keep an animal in the inns of gentiles.**[H] **Male** animals may not be placed **with men,** as they are suspected of engaging in bestiality, **and female** animals may not be left **with women,**[N] despite the fact that there is no concern that they may engage in bestiality. **And needless to say,** it is prohibited to leave **female** animals **with men, and male** animals **with women.**

וְאֵין מוֹסְרִין בְּהֵמָה לְרוֹעֶה שָׁלָּהֶן, וְאֵין מְיַחֲדִין עִמָּהֶם, וְאֵין מוֹסְרִין לָהֶם תִּינוֹק לְלַמְּדוֹ סֵפֶר וּלְלַמְּדוֹ אוּמָּנוּת; אֲבָל מַעֲמִידִין בְּהֵמָה בְּפוּנְדָּקָאוֹת שֶׁל כּוּתִים, זְכָרִים אֵצֶל נְקֵבוֹת וּנְקֵבוֹת אֵצֶל זְכָרִים, וְאֵין צָרִיךְ לוֹמַר זְכָרִים אֵצֶל זְכָרִים וּנְקֵבוֹת אֵצֶל נְקֵבוֹת,

The *baraita* continues: **And one may not entrust an animal to** a gentile **shepherd, and one may not seclude oneself**[H] **with** gentiles, due to the danger that this entails. **And one may not entrust a child to them**[H] **to teach him** how to read **books**[N] **or to teach him a craft. But one may keep an animal in the inns of Samaritans,** as they are not suspected of violating a Torah prohibition and engaging in bestiality. **Male** animals may be placed **with women and female** animals may be left **with men, and needless to say,** it is permitted to leave **male** animals **with men and female** animals **with women.**

וּמוֹסְרִין בְּהֵמָה לְרוֹעֶה שָׁלָּהֶן, וּמְיַחֲדִין עִמָּהֶם, וּמוֹסְרִין לָהֶם תִּינוֹק לְלַמְּדוֹ סֵפֶר וּלְלַמְּדוֹ אוּמָּנוּת; אַלְמָא לָא חֲשִׁידִי.

The *baraita* concludes: **And one may entrust an animal to** a Samaritan **shepherd, and one may seclude oneself with** Samaritans, **and one may entrust a child to them to teach him** how to read **books and to teach him a craft.** The Gemara infers from the *baraita*: **Evidently,** Samaritans are **not suspected** of engaging in bestiality, yet livestock may not be sold to them, as they are suspected of selling it to gentiles.

HALAKHA

One may not keep an animal in the inns of gentiles – אֵין מַעֲמִידִין בְּהֵמָה בְּפוּנְדָּקָאוֹת שֶׁל גּוֹיִם: It is prohibited to keep an animal at the inns of gentiles, and it is also prohibited to entrust their shepherds with one's animals. In places where gentiles are not suspected of engaging in bestiality, and certainly in areas where bestiality is punished, it is permitted (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:5; *Shulḥan Arukh*, *Yoreh De'a* 153:1).

One may not seclude oneself – וְאֵין מְיַחֲדִין: One may not seclude oneself with gentiles, as they are suspected of bloodshed (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 153:2).

One may not entrust a child to them, etc. – אֵין מוֹסְרִין לָהֶם תִּינוֹק וכו': One may not entrust a child to a gentile to teach him how to read books or to instruct him in a craft, as the gentile might influence him and turn him toward apostasy (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:5; *Shulḥan Arukh*, *Yoreh De'a* 153:1 and *Even HaEzer* 22:4).

NOTES

Anywhere that it is possible to assign an innocent motive – כָּל הֵיכָא דְּאִיכָּא לְמֵימַר: If it is reasonable to believe that the result will not be a violation of a prohibition, it is possible to assign an innocent motive. But in a case where the permitted outcome is unlikely, one does not assign an innocent motive, even if it is possible (*Tosafot*). For this reason, it is permitted to sell a field and an animal, despite the fact that it is prohibited to sell a plow and its appurtenances. The reason is that one can assume one would buy a field or an animal even if he will make use of them only the following year, as one cannot expect to find the type of field or animal he requires at any given point. It is not reasonable to assume that one will buy work implements in order to use them the following year, as such equipment is always available (Rashi).

Female animals with women – נְקֵבוֹת אֵצֶל נְקֵבוֹת: This is prohibited because men will occasionally come to visit the women, and if the women are not present they might engage in bestiality with the animals (Rashi, citing the Gemara on 22b).

One may not entrust a child to them to teach him how to read books – אֵין מוֹסְרִין לָהֶם תִּינוֹק לְלַמְּדוֹ סֵפֶר: In other words, one wishes to send the child to a gentile either to study general knowledge or to learn to read and write in other languages. One may not do so due to the prohibition against placing a stumbling block before the blind, as there is a concern that the gentile might engage in homosexual intercourse, which is prohibited for gentiles as well as for Jews. Furthermore, there is a concern that the gentile might lead the child toward apostasy (Rashi). Additionally, gentiles are suspected of committing murder and therefore there is a concern of bloodshed (Rashi's commentary on the Rif; *Nimmukei Yosef*).

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וְעוֹד תַּנְיָא: אֵין מוֹכְרִין לָהֶם לֹא זַיִן וְלֹא כְּלֵי זַיִן, וְאֵין מַשְׁחִיזִין לָהֶן אֶת הַזַּיִן, וְאֵין מוֹכְרִין לָהֶן לֹא סַדָּן וְלֹא קוֹלָרִין, וְלֹא כְּבָלִים וְלֹא שַׁלְשְׁלָאוֹת שֶׁל בַּרְזֶל, אֶחָד גּוֹי וְאֶחָד כּוּתִי;

And furthermore, it is taught in a *baraita*: **One may not sell weapons to** gentiles[H] **or** the auxiliary **equipment of weapons,**[N] **and one may not sharpen weapons for them. And one may not sell them stocks**[N] used for fastening the feet of prisoners, **or** iron **neck chains** [***kolarin***],[L] **or foot chains, or iron chains.** This prohibition applies equally to **both a gentile and a Samaritan.**

מַאי טַעְמָא? אִי נֵימָא דַּחֲשִׁידִי אַשְׁפִּיכוּת דָּמִים, וּמִי חֲשִׁידִי? הָאָמְרַתְּ: וּמְיַיחֲדִין עִמָּהֶן! אֶלָּא מִשּׁוּם דְּאָתֵי לְזַבּוּנֵהּ לְגוֹי!

Abaye analyzes this *baraita*: **What is the reason** for the prohibition against selling these items to Samaritans? **If we say that they are suspected of bloodshed,** that is difficult: **But are they suspected** of this? **Didn't you say** that **one may seclude oneself with them,** which indicates that they are not suspected of bloodshed? **Rather,** it is prohibited to sell these items to Samaritans **because they will come to sell them to a gentile.** According to this reasoning, it should likewise be prohibited to sell a donkey to a Jew who is suspected of selling animals to gentiles.

וְכִי תֵּימָא: כּוּתִי לָא עָבֵיד תְּשׁוּבָה, יִשְׂרָאֵל עָבֵיד תְּשׁוּבָה; וְהָאָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אַבּוּהּ: כְּדֶרֶךְ שֶׁאָמְרוּ אָסוּר לִמְכּוֹר לְגוֹי, כָּךְ אָסוּר לִמְכּוֹר לְיִשְׂרָאֵל הֶחָשׁוּד לִמְכּוֹר לְגוֹי! רָהֵיט בַּתְרֵיהּ תְּלָתָא פַּרְסֵי, וְאִיכָּא דְּאָמְרִי: פַּרְסָא בְּחָלָא, וְלָא אַדְרְכֵיהּ.

And if you would say that there is a difference between a Jew and a Samaritan, as **a Samaritan will** likely **not repent** and will sell to a gentile, whereas **a Jew will** likely **repent** and not sell these items, this reasoning is incorrect. **But doesn't Rav Naḥman say** explicitly that **Rabba bar Avuh says: Just as** the Sages **said** that **it is prohibited to sell to a gentile, so too it is prohibited to sell to a Jew who is suspected**[H] **of selling to a gentile?** When Rabba heard this and realized that Abaye was correct, **he ran three parasangs after** the buyer who purchased his donkey to revoke the sale, as the Jew was suspected of selling to gentiles; **and some say** that he ran **one parasang through sand. But he did not** succeed in **overtaking him.**

אָמַר רַב דִּימִי בַּר אַבָּא: כִּדְרֶךְ שֶׁאָסוּר לִמְכּוֹר לְגוֹי, אָסוּר לִמְכּוֹר לְלִסְטִים יִשְׂרָאֵל. הֵיכִי דָּמֵי? אִי דַּחֲשִׁיד דְּקָטֵיל – פְּשִׁיטָא, הַיְינוּ גּוֹי!

Apropos the *baraita* that discusses the prohibition against selling weapons, the Gemara relates that **Rav Dimi bar Abba says: Just as it is prohibited to sell to a gentile, it is prohibited to sell to** an armed **bandit** who is **a Jew.**[H] The Gemara clarifies: **What are the circumstances** of this prohibition? **If** the thief **is suspected of killing,** isn't it **obvious** that it is prohibited? After all, he **is** the same as **a gentile.** Providing a Jew who might kill with weapons is no different from giving a weapon to a gentile, as in both cases one violates the prohibition: Do not place a stumbling block before the blind.

וְאִי דְּלָא קָטֵיל, אַמַּאי לָא? לְעוֹלָם דְּלָא קָטֵיל, וְהָכָא בְּמַאי עָסְקִינַן – בְּמַשְׁמוֹטָא, דְּזִימְנִין דְּעָבֵיד לְאַצּוֹלֵי נַפְשֵׁיהּ.

And if he is a bandit **who does not kill, why not** sell to him? The Gemara answers: **Actually,** Rav Dimi bar Abba is referring to a bandit **who does not kill, and here we are dealing with** a bandit **who steals, as sometimes he makes use** of his weapon **to save himself** when he is caught. Consequently, it is prohibited to sell him weapons in case he kills with them in self-defense.

תָּנוּ רַבָּנַן: אֵין מוֹכְרִין לָהֶן תְּרִיסִין, וְיֵשׁ אוֹמְרִים: מוֹכְרִין לָהֶן תְּרִיסִין. מַאי טַעְמָא? אִילֵימָא מִשּׁוּם דְּמַגְּנוּ עֲלַיְיהוּ, אִי הָכִי אֲפִילּוּ חִיטֵּי וְשַׂעֲרֵי נַמִּי לָא! אֲמַר רַב:

§ **The Sages taught: One may not sell shields** [***terisin***][L] **to** gentiles, despite the fact that they are used for protection, not to attack others. **And some say: One may sell shields to them.** The Gemara asks: **What is the reason** behind the opinion that prohibits selling shields to gentiles? **If we say** it is **because they protect them** in wartime, **if so,** then **even wheat and barley should not** be sold to them. **Rav said:**

NOTES

Weapons or the auxiliary equipment of weapons – לֹא זַיִן וְלֹא כְּלֵי זַיִן: This refers to the weapons themselves as well as all additional apparatus, such as the handles of spears and the sheaths of swords.

Stocks, etc. – סַדָּן וכו׳: Although these items are not used for killing, their sale is prohibited as they are used to hold captive the person whom the gentiles intend to kill.

LANGUAGE

Neck chains [*kolarin*] – קוֹלָרִין: From the Greek κολλάριον, *kollarion*, and the Latin collare, meaning pertaining to the neck. It refers to a type of chain that was attached to the necks of prisoners or livestock.

Roman column depicting prisoners connected by a neck chain

Shields [*terisin*] – תְּרִיסִין: From the Greek θυρεός, *thureos*, whose meanings include a large shield.

Reenactment of Roman legion on the attack, bearing large shields

HALAKHA

One may not sell weapons to gentiles, etc. – אֵין מוֹכְרִין לָהֶם לֹא זַיִן וכו׳: One may not sell to gentiles any item that can be used to harm the public, such as bears and lions, weapons, stocks, neck chains, foot chains, or iron chains. Nowadays the accepted custom is to permit such sales, based on the conclusion of the Gemara (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:8 and *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:12; *Shulḥan Arukh*, *Yoreh De'a* 151:5, and *Shakh* there).

It is prohibited to sell to a Jew who is suspected, etc. – אָסוּר לִמְכּוֹר לְיִשְׂרָאֵל הֶחָשׁוּד וכו׳: With regard to any item that one is not allowed to sell to a gentile, one is also prohibited from selling it to a Jew if it is suspected that the Jew might sell it to a gentile (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:8 and *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:13; *Shulḥan Arukh*, *Yoreh De'a* 151:5).

It is prohibited to sell to an armed bandit who is a Jew – אָסוּר לִמְכּוֹר לְלִסְטִים יִשְׂרָאֵל: Any item that one is not allowed to sell to a gentile, due the potential damage to the public, may also not be sold to a Jewish bandit, as the seller might be aiding him in committing crimes (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:8 and *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:14; *Shulḥan Arukh*, *Yoreh De'a* 151:5).

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אִי אֶפְשָׁר – הָכִי נַמִּי.

If it were **possible** to avoid selling produce to gentiles without incurring their animosity, **indeed** it would be prohibited to sell them. Since limiting sales to gentiles to such an extent would cause great harm, it is only prohibited to sell them shields.

אִיכָּא דְּאָמְרִי: תְּרִיסִין הַיְינוּ טַעְמָא דְּלָא, דְּכִי שְׁלִים זַיְּיהוּ קָטְלִי בְּגַוַּיְיהוּ. וְיֵשׁ אוֹמְרִים: מוֹכְרִים לָהֶם תְּרִיסִין, דְּכִי שְׁלִים זַיְּיהוּ מֵעֲרַק עָרְקִי. אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ: הֲלָכָה כְּיֵשׁ אוֹמְרִים.

There are those **who say:** With regard to **shields, this is the reason that** one is **not** allowed to sell them to gentiles: **As when their** use of their **weapon is finished** in battle, **they kill with these** shields. **And** accordingly, the reason that **some say** in the *baraita* that **one may sell shields to them**[H] is because they maintain that this is not a concern, **as when their weapon is finished**[B] **they flee,** rather than use their shield as a weapon. **Rav Naḥman says** that **Rabba bar Avuh says:** The ***halakha*** is **in accordance** with the opinion cited as: **Some say.**

אָמַר רַב אַדָּא בַּר אַהֲבָה: אֵין מוֹכְרִין לָהֶן עֲשָׁשִׁיּוֹת שֶׁל בַּרְזֶל; מַאי טַעְמָא? מִשּׁוּם דְּחָלְשִׁי מִינַּיְיהוּ כְּלֵי זַיִן. אִי הָכִי, אֲפִילּוּ מָרֵי וַחֲצִינֵי נַמִּי! אָמַר רַב זְבִיד: בְּפַרְזְלָא הִינְדּוּאָה. וְהָאִידָּנָא דְּקָא מְזַבְּנִינַן, אָמַר רַב אַשִׁי: לְפַרְסָאֵי דְּמַגְנוּ עִילָּוֹן.

Rav Adda bar Ahava says: One may not sell blocks [*ashashiot*][HL] **of iron to** gentiles. **What is the reason?** It is **because they forge weapons from them.** The Gemara asks: **If so,** then **even hoes and axes** should not be sold to them, as they too can be used to forge weapons. **Rav Zevid said** in response: The ruling of Rav Adda bar Ahava was stated **with regard to Indian iron,**[B] which is of a superior quality and used only for crafting weapons. The Gemara clarifies: **And** as for the fact **that nowadays we do sell** all weapons, **Rav Ashi said:** We sell the weapons **to the Persians, who protect us.**[H]

״עֲגָלִים וּסְיָחִים״. תַּנְיָא: רַבִּי יְהוּדָה מַתִּיר בִּשְׁבוּרָה, מִפְּנֵי שֶׁאֵינָהּ יְכוֹלָה לְהִתְרַפְּאוֹת וְלִחְיוֹת. אָמְרוּ לוֹ: וַהֲלֹא מַרְבִּיעִין עָלֶיהָ וְיוֹלֶדֶת; וְכֵיוָן דְּמַרְבִּיעִין עָלֶיהָ וְיוֹלֶדֶת אֶתְיָא לִשְׁהוּיָהּ! אָמַר לָהֶן: לְכְשֶׁתֵּלֵד. אַלְמָא, לֹא מְקַבֶּלֶת זָכָר.

§ The mishna teaches: One may not sell to gentiles **calves or foals. It is taught** in a *baraita* that **Rabbi Yehuda permits** the sale **of a damaged** animal[N] **because it is incapable of being cured and living** normally. The Sages **said to him: But** if **one mates her, does she not bear offspring? And since one can mate her and she** will **bear offspring,** the gentile **will come to leave her** in his possession, and Jews who see the animal in the possession of the gentile will assume that it is permitted to sell large livestock to gentiles. Rabbi Yehuda **said to them** in response: **When she bears offspring,** I will agree to be concerned about such a possibility. The Gemara notes: **Apparently,** Rabbi Yehuda holds that a damaged animal **does not accept a male,** i.e., since its legs are broken, it cannot participate in intercourse.

״בֶּן בְּתֵירָא מַתִּיר בְּסוּס״. תַּנְיָא: בֶּן בְּתֵירָא מַתִּיר בְּסוּס, מִפְּנֵי שֶׁהוּא עוֹשֶׂה בּוֹ מְלָאכָה שֶׁאֵין חַיָּיבִין עָלֶיהָ חַטָּאת; וְרַבִּי אוֹסֵר מִפְּנֵי שְׁנֵי דְּבָרִים: אֶחָד מִשּׁוּם תּוֹרַת כְּלֵי זַיִן, וְאֶחָד מִשּׁוּם תּוֹרַת בְּהֵמָה גַּסָּה.

The mishna also teaches that **ben Beteira permits** the sale **of a horse** to a gentile. The Gemara notes that **it is taught** in a *baraita*: **Ben Beteira permits** the sale **of a horse because** the gentile **uses it for performing an act for which one is not liable** to bring **a sin-offering,** as riding a horse is not prohibited by Torah law. Therefore, there is no reason to prohibit its sale due to the concern that the gentile might use it for a prohibited action. **And Rabbi** Yehuda HaNasi **prohibits** its sale **due to two reasons: One** is **because** it has the **status of a weapon,**[B] as horses are used in battle, **and** the other **one** is **because** it has the **status of large livestock.**

HALAKHA

One may sell shields to them – מוֹכְרִים לָהֶם תְּרִיסִין: It is permitted to sell shields to gentiles, as they are used to protect rather than to cause harm. This *halakha* is in accordance with the opinion cited as: Some say, and in accordance with the ruling of Rav Naḥman, citing Rabba (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:12).

One may not sell blocks, etc. – אֵין מוֹכְרִין לָהֶן עֲשָׁשִׁיּוֹת וכו': One may not sell even one block of Indian iron to gentiles, in accordance with the statement of Rav Zevid and Rav Adda bar Ahava (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:12; *Shulḥan Arukh*, *Yoreh De'a* 151:5).

To the Persians who protect us – לְפַרְסָאֵי דְּמַגְנוּ עִילָּוֹן: If the Jews are living peaceably within a gentile population, it is permitted to sell weapons to the king's servants and army, since when they fight against enemies they are in fact protecting the Jews. This is the source for the custom nowadays to sell weapons to gentiles (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:9 and *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:13; *Shulḥan Arukh*, *Yoreh De'a* 151:6 and *Shakh* there).

LANGUAGE

Blocks [*ashashiot*] – עֲשָׁשִׁיּוֹת: Presumably from the biblical term *ashat*, which primarily means a block, or large piece of cast material. Blocks of metal, as well as glass, served as the raw material from which vessels were formed.

NOTES

Permits the sale of a damaged animal – מַתִּיר בִּשְׁבוּרָה: Rabbi Yehuda permits the sale of a damaged animal because the reason for the prohibition against selling large livestock is the concern that the animal might perform labor on Shabbat. A damaged animal is suitable only for slaughter, not for labor.

BACKGROUND

When their weapon is finished – כִּי שְׁלִים זַיְּיהוּ: Iron shields were used for offensive as well as defensive purposes. Soldiers would strike with the shields and even attempt to stab with their edges. With that said, shields were used in battle only in conjunction with other weapons, as by themselves shields are not an effective battle tool.

Indian iron – פַּרְזְלָא הִינְדּוּאָה: In the talmudic period, India was the primary center for the iron industry, in which advanced methods were employed in the preparation and tempering of iron. Consequently, Indian iron was used primarily for weapons and other types of implements that had to be fashioned from the strongest possible material.

Because it has the status of a weapon – מִשּׁוּם תּוֹרַת כְּלֵי זַיִן: During the period of the Mishna and the Talmud, and for some time afterward, horses were rarely used for performing labor due to the great cost of both their purchase and their care. Difficult labor was performed principally by oxen, while donkeys were used to bear loads. Horses were almost always used in battle. Since these war-horses were taught to fight by biting, kicking, and knocking over enemy troops, there is good reason to consider the horse itself a weapon.

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בִּשְׁלָמָא תּוֹרַת כְּלִי זַיִן אִיכָּא, דְּקָטֵיל בְּסִחוּפֵיהּ, אֶלָּא תּוֹרַת בְּהֵמָה גַּסָּה מַאי הִיא? אָמַר רַבִּי יוֹחָנָן: לְכָשֶׁיְּזַקִּין מַטְחִינוֹ בְּרֵחַיִם בְּשַׁבָּת. אָמַר רַבִּי יוֹחָנָן: הֲלָכָה כְּבֶן בְּתֵירָא.

The Gemara asks: **Granted, there is** a reason to say that a horse has the **status of a weapon, as** a horse is taught to **kill by striking down**[N] enemy troops. **But what is** the relevance of the observation that it has **the status of large livestock?** It has already been explained that a horse is used for riding, not for performing acts that are prohibited on Shabbat. **Rabbi Yoḥanan says: When it becomes elderly** and is no longer suitable for use in battle, **one makes it grind with a millstone,**[NB] and therefore it will in fact be used to perform prohibited labor **on Shabbat.** Nevertheless, **Rabbi Yoḥanan says:** The ***halakha*** is **in accordance with** the opinion of **ben Beteira,** and it is permitted to sell a horse to gentiles.

אִיבַּעְיָא לְהוּ: שׁוֹר שֶׁל פַּטָּם, מַהוּ? תִּיבָּעֵי לְרַבִּי יְהוּדָה, תִּיבָּעֵי לְרַבָּנַן;

A dilemma was raised before the Sages: With regard to **an ox of a fattener,**[NH] which has been fattened for slaughter, **what is** the *halakha*? **Let the dilemma be raised according to** the opinion of **Rabbi Yehuda,** who permits the sale of a damaged animal, and **let the dilemma be raised according to** the opinion of **the Rabbis,** who dispute that ruling.

תִּיבָּעֵי לְרַבִּי יְהוּדָה: עַד כָּאן לָא קָא שָׁרֵי רַבִּי יְהוּדָה – אֶלָּא בְּשִׁבּוּרָה דְּלָא אָתֵי לִכְלַל מְלָאכָה, אֲבָל הַאי דְּכִי מַשְׁהֵי לֵיהּ אָתֵי לִכְלַל מְלָאכָה – אָסוּר;

The Gemara elaborates: **Let the dilemma be raised according to** the opinion of **Rabbi Yehuda,** as follows: Perhaps **Rabbi Yehuda permits only** the sale **of a damaged** animal, **which will never come to** be included in the **category** of an animal that is fit for **labor. But** with regard to **this** fattened ox, **which** if **kept** for a sufficient amount of time without fattening **will come to** be included in the **category** of an animal that is fit for **labor,** the sale is **prohibited.**

אוֹ דִּלְמָא, אֲפִילּוּ לְרַבָּנַן לָא קָא אָסְרִי הָתָם – אֶלָּא דְּסָתָמֵיהּ לָאו לִשְׁחִיטָה קָאֵי, אֲבָל הַאי דְּסָתָמֵיהּ לִשְׁחִיטָה קָאֵי – אֲפִילּוּ רַבָּנַן שָׁרוּ?

Or perhaps it may be claimed that **even** according **to the Rabbis, they prohibit** the sale **only there,** in the case of a damaged animal **that ordinarily does not stand** ready **for slaughter. But** in **this** case of a fattened ox, **which ordinarily stands** ready **for slaughter, even the Rabbis permit** the sale.

תָּא שְׁמַע, דְּאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: שֶׁל בֵּית רַבִּי הָיוּ מַקְרִיבִין שׁוֹר שֶׁל פַּטָּם בְּיוֹם אֵידָם, חָסֵר אַרְבַּע רִיבְבָן שֶׁאֵין מַקְרִיבִין אוֹתוֹ הַיּוֹם אֶלָּא לְמָחָר, חָסֵר אַרְבַּע רִיבְבָן שֶׁאֵין מַקְרִיבִין אוֹתוֹ חַי אֶלָּא שָׁחוּט, חָסֵר אַרְבַּע רִיבְבָן שֶׁאֵין מַקְרִיבִין אוֹתוֹ כָּל עִיקָּר;

The Gemara suggests a proof: **Come** and **hear that** which **Rav Yehuda says** that **Shmuel says:** The members **of** the **household of Rabbi** Yehuda HaNasi **were** required to **bring**[N] as a present for the authorities **an ox of a fattener on their festival day. They deprived** themselves of **forty-thousand** dinars, i.e., they paid this sum as a bribe, to ensure **that they** would **not** have to **bring it** on **the** actual **day** of their festival, but **rather on the next day. They deprived** themselves again, i.e., they paid a further bribe, of another **forty-thousand** dinars, to ensure **that they** would **not** have to **bring it alive** but **rather slaughtered. They deprived** themselves again and paid yet another bribe of **forty-thousand** dinars to ensure **that they** would **not** have to **bring it at all.**

מַאי טַעְמָא? לָאו מִשּׁוּם דִּלְמָא אָתֵי לְשַׁהוּיֵי? וְלִיטַעֲמֵיךְ, שֶׁאֵין מַקְרִיבִין אוֹתוֹ הַיּוֹם אֶלָּא לְמָחָר – מַאי טַעְמָא? אֶלָּא, רַבִּי מִיעֵקַר מִילְתָא בָּעֵי, וְסָבַר: יֵעָקֵר וְאָתֵי פּוּרְתָּא פּוּרְתָּא.

What is the reason that they paid a bribe to evade the responsibility of bringing a fattened ox to the authorities? **Is it not due to** the concern that **perhaps they will come to keep** the animal[N] until it is fit for labor? The Gemara rejects this proof: **And according to your reasoning, what is the reason** that they paid a bribe to ensure **that they** would **not** have to **bring it** on **the day** of the festival, but **rather the next day? Rather,** it must be explained that **Rabbi** Yehuda HaNasi **wanted to abolish the matter** entirely,[N] **and he reasoned:** It is best to **abolish** it **gradually, little** by **little,** and in this manner they ultimately had no obligation to bring the animal at all. Therefore, no proof can be brought from this incident with regard to the *halakha* of the sale of a fattened ox.

וְכִי מַשְׁהֵי לֵיהּ, בָּרִיא וְעָבֵיד מְלָאכָה? אֲמַר רַב אַשִׁי, אֲמַר לִי זְבִידָא: בַּר תּוֹרָא מַשְׁהֵינַן לֵיהּ, וְעָבֵיד עַל חַד תְּרִין.

It was stated that if a fattened ox is kept for a sufficient amount of time without fattening it will come to be included in the category of an animal that is fit for labor. Concerning this, the Gemara asks: **But** even **when** a fattened ox is **kept** until it is slim, does it become **healthy and able to perform labor? Rav Ashi said** that the expert in this matter, **Zevida, said to me: We keep a young ox** that has been fattened until it is slim, **and it performs twice** the work of other oxen.

NOTES

By striking down – בְּסִחוּפֵיהּ: According to Rashi, the animal is taught to kill by striking down enemies with its hooves. Others explain more generally that it is taught to kill with its teeth and hooves (Rabbeinu Ḥananel).

One makes it grind with a millstone – מַטְחִינוֹ בְּרֵחַיִם: Although the horse was not sold to be used in this manner, since it will ultimately be used for labor that is prohibited on Shabbat, it is included in the decree against selling an animal that performs labor.

Ox of a fattener – שׁוֹר שֶׁל פַּטָּם: Some commentaries explain that this is referring to a fattened cow in the possession of a fattener, which, due to its large size, is entirely unsuited for laboring (Rashi). Others explain that the reference is to an ox that is designated for fattening but at the moment is still slim. Consequently, the concern is that while the animal is in the possession of the gentile it will be used to perform labor (Rabbeinu Tam).

Members of the household of Rabbi Yehuda HaNasi were required to bring – שֶׁל בֵּית רַבִּי הָיוּ מַקְרִיבִין: The ox was to serve as a present, not as an offering to idols, as in that case it would certainly have been prohibited. Rather, it was a type of tax that they were required to pay.

Perhaps they will come to keep the animal – דִּלְמָא אָתֵי לְשַׁהוּיֵי: If they keep the animal until it is slim and fit for labor, it will be included in the prohibition against selling a work animal to a gentile. Alternatively, other Jews will see the animal in the gentile's possession once it has slimmed and conclude that it is permitted to sell such an animal to a gentile.

He wanted to abolish the matter entirely – מִיעֵקַר מִילְתָא בְּעֵי: Rabbi Yehuda HaNasi wished to get rid of the tax, but as he was unable to do so all at once he chose to fight it little by little. Some commentaries explain that Rabbi Yehuda HaNasi objected to the matter because he felt that it was degrading to be forced to present a present to gentiles on the day of their festival (Ramban; see Rashi). Additionally, he wished to establish the principle that Torah scholars are exempt from all taxes.

BACKGROUND

One makes it grind with a millstone – מַטְחִינוֹ בְּרֵחַיִם: An elderly horse cannot serve in battle, as it is no longer fast or strong enough. Nevertheless, it can be used as the power source of a mill, as this labor does not require the horse to move fast. In fact, mills were occasionally powered even by humans.

HALAKHA

Ox of a fattener – שׁוֹר שֶׁל פַּטָּם: One may not sell to gentiles a fattened ox despite the fact that it is not designated for performing labor, lest the gentile keep the ox until it is slim and then put it to work (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:4).

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מתני׳ אֵין מוֹכְרִין לָהֶם דּוּבִּין וַאֲרָיוֹת וְכָל דָּבָר שֶׁיֵּשׁ בּוֹ נֵזֶק לָרַבִּים. אֵין בּוֹנִין עִמָּהֶם בַּסִּילֵקִי, גַּרְדּוֹם, אִיצְטַדְיָא וּבִימָה, אֲבָל בּוֹנִין עִמָּהֶם בִּימוֹסִיאוֹת וּבֵית מֶרְחָצָאוֹת. הִגִּיעַ לְכִיפָּה שֶׁמַּעֲמִידִין בָּהּ עֲבוֹדָה זָרָה – אָסוּר לִבְנוֹת.

MISHNA **One may not sell bears, or lions,**[H] **or any item that can cause injury to the public,** to gentiles. **One may not build with them a basilica** [*basileki*],[HNL] **a tribunal** [*gardom*],[L] **a stadium** [*itztadeyya*],[L] **or a platform. But one may build with them**[H] **small platforms** [*bimmusiot*][NL] **and bathhouses.** Even in this case, once **he reaches the arched chamber**[B] in the bath **where** the gentiles **put up** objects of **idol worship, it is prohibited to build** it.

גמ׳ אָמַר רַב חָנִין בַּר רַב חִסְדָּא, וְאָמְרִי לָהּ אָמַר רַב חָנָן בַּר רָבָא אָמַר רַב: חַיָּה גַּסָּה הֲרֵי הִיא כִּבְהֵמָה דַּקָּה לְפִירְכּוּס, אֲבָל לֹא לִמְכִירָה;

GEMARA **Rav Ḥanin bar Rav Ḥisda says, and some say Rav Ḥanan bar Rava says** that **Rav says:** The status of **a large beast is like** that of **small livestock with regard to a spasm** [*lefirkus*],[HL] i.e., the symptoms of vitality required at the time of slaughtering. If an animal in danger of dying was slaughtered but did not display any spasmodic movement when it was slaughtered, it is not kosher. If it did spasm after being slaughtered, its meat is kosher **But** its status is **not** the same as that of small livestock **with regard to** its **sale.** Rather it is considered like large livestock, and therefore its sale to gentiles is always prohibited.

HALAKHA

Bears or lions – דּוּבִּין וַאֲרָיוֹת: One may not sell to gentiles any creature or item that can injure the public, e.g., bears and lions (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:8 and *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:12; *Shulḥan Arukh*, *Yoreh De'a* 151:5).

One may not build with them a basilica, etc. – אֵין בּוֹנִין עִמָּהֶם בַּסִּילֵקִי וכו׳: One may not build for gentiles a structure that is used as a court of law (*Shulḥan Arukh*, *Yoreh De'a* 151:5).

But one may build with them, etc. – אֲבָל בּוֹנִין עִמָּהֶם וכו׳: It is prohibited to build together with gentiles an arched chamber upon which objects of idol worship are placed. It is permitted to build the hall or courtyard in which the chamber will be located *ab initio* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:11; *Shulḥan Arukh*, *Yoreh De'a* 143:2).

The status of a large beast is akin to that of small livestock with regard to a spasm – חַיָּה גַּסָּה הֲרֵי הִיא כִּבְהֵמָה דַּקָּה לְפִירְכּוּס: If an animal in danger of dying was slaughtered but did not display any spasmodic movement when it was slaughtered, it is not kosher. If it did spasm after being slaughtered, its meat is kosher. In the case of large livestock, it is sufficient for the animal either to stretch or to bend its leg, whereas with regard to small livestock the meat is kosher only if the animal stretched out and bent back its leg. For the purposes of this requirement, both large and small beasts have the status of small livestock (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 4:14; *Shulḥan Arukh*, *Yoreh De'a* 17:1).

BACKGROUND

Arched chamber – כִּיפָּה: Idols were usually placed in alcoves in the walls of public buildings. Consequently, it is assumed that arched alcoves were intended to be used for idol worship.

Roman statue in a dome-topped niche

NOTES

Basilica, etc. – בַּסִּילֵקִי וכו׳: It is prohibited to participate in the building of such structures, all of which served as places of judgment and courts of law (Meiri). The reason is that many of the sentences were unjust and innocent people were sentenced to die. By aiding the construction of the sites one is party to actions that cause harm to the public (see Ritva). According to Rashi, the concern is specifically that one might aid in the killing of Jews. Alternatively, these structures served as types of altars constructed in honor of idols and for the performance of idol worship (Rambam's Commentary on the Mishna; Ra'avad).

Small platforms [*bimmusiot*] – בִּימוֹסִיאוֹת: Rashi explains that the term *bimmusiot* is a form of the word *bimus*, meaning a small altar fashioned from a single stone. It is permitted to participate in its construction, as it is only an accessory of an accessory for idolatry, since it is intended merely to serve as a base upon which other items are placed. According to the majority of the early commentaries, the text here should read *dimmusiot* (see *Arukh*). They explain that this refers to a type of bathhouse, a place of hot springs (*Tosafot* 16b; Ritva, citing Ramah), or other recreational structures (Ra'ah). The Rambam writes that the reference is to palaces.

LANGUAGE

Basilica [*basileki*] – בַּסִּילֵקִי: From the Greek βασιλική, *basilikē*, meaning a large royal building that served as a courthouse. The *basilikè* had a unique design, as it was built upon rows of columns. The central part of the building had a higher roof than the rest, to allow sunlight to stream in between the two levels.

Fresco of cross section of a fourth-century basilica

Remains of the Severan Basilica, Libya

Tribunal [*gardom*] – גַּרְדּוֹם: From the Latin gradus, or gradum in the accusative, which originally meant step. Later it came to refer to the steps in front of a Roman judge.

Stadium [*itztadeyya*] – אִיצְטַדְיָא: From the Greek στάδιον, *stadion*, meaning a stade, a Greek unit of measurement. It principally refers to a stadium, where different races and sporting events were held. It was also the location of bloody gladiatorial battles between people or between people and beasts.

Palatine Stadium in Rome

Small platforms [*bimmusiot*] – בִּימוֹסִיאוֹת: Another version of the text reads *dimmusiot*, which fits much better with the mishna. This term is from the Greek δημόσιος, *dēmosios*, meaning something that belongs to the public, including public buildings. Accordingly, *dimmusiot* refers to public buildings in general, and the term is used by the Sages specifically in reference to a place of therapeutic springs.

Spasm [*pirkus*] – פִּירְכּוּס: Apparently of Greek origin, although there are different opinions with regard to this word's precise etymology. Some say that it is from the Greek φριξός, *frixos*, which can mean shuddering and shaking. In this context it refers to the movement of limbs after an animal has been slaughtered. This spasmodic movement proves that the creature was healthy when slaughtered, as it retained these reflexes.

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וַאֲנִי אוֹמֵר: אַף לִמְכִירָה, מָקוֹם שֶׁנָּהֲגוּ לִמְכּוֹר – מוֹכְרִין, שֶׁלֹּא לִמְכּוֹר – אֵין מוֹכְרִין.

Rav Ḥanan bar Rava added: This is the statement of Rav, **but I say** that **even with regard to** its **sale** a large beast is akin to small livestock. Therefore, in **a place where** the people **were accustomed to sell** large beasts, **one may sell** them, and in a place **where** the people were **not** accustomed **to sell** them, **one may not sell** them.

תְּנַן: אֵין מוֹכְרִין לָהֶן דּוּבִּין וַאֲרָיוֹת וְלֹא כָּל דָּבָר שֶׁיֵּשׁ בּוֹ נֵזֶק לָרַבִּים; טַעְמָא דְּאִית בֵּיהּ נֵזֶק לָרַבִּים, הָא לֵית בֵּיהּ נֵזֶק לָרַבִּים שָׁרֵי! אָמַר רַבָּה בַּר עוּלָּא: בַּאֲרִי שָׁבוּר,

The Gemara raises an objection to Rav's statement. **We learned** in the mishna: **One may not sell bears, or lions, or any item that can cause injury to the public, to** gentiles. The Gemara analyzes the mishna: **The reason that** these beasts cannot be sold to gentiles is because **they can cause injury to the public.** It may be inferred from here that another beast, which **does not cause injury to the public, is permitted** to be sold to gentiles. **Rabba bar Ulla says** in response: This mishna does not pose a problem for Rav, as he holds that it is referring **to a damaged lion,** which is not fit for labor;

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וְאַלִּיבָּא דְּרַבִּי יְהוּדָה. רַב אַשִׁי אָמַר: סְתָם אֲרִי שָׁבוּר הוּא אֵצֶל מְלָאכָה.

and this is **in accordance with** the opinion **of Rabbi Yehuda** in the mishna on 14b, that it is permitted to sell to a gentile large livestock that are damaged. Yet, it is prohibited to sell large undamaged beasts, just as one may not sell large undamaged livestock. **Rav Ashi says:** It is not necessary to explain that the mishna is referring to such a specific case. Rather, **an ordinary lion is** considered **damaged with regard to labor,** as lions are not generally used to perform labor. Therefore there is no concern that a lion will be used to perform prohibited labor on Shabbat.

HALAKHA

אֵין מוֹכְרִין לָהֶן חַיָּה גַּסָּה: Just as one may not sell large livestock to gentiles, one may not sell large beasts to them (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:5).

One may not sell large beasts to them –

מֵיתִיבִי: כְּשֵׁם שֶׁאֵין מוֹכְרִין לָהֶן בְּהֵמָה גַּסָּה כָּךְ אֵין מוֹכְרִין לָהֶן חַיָּה גַּסָּה, וַאֲפִילּוּ בְּמָקוֹם שֶׁמּוֹכְרִין לָהֶן בְּהֵמָה דַּקָּה, חַיָּה גַּסָּה אֵין מוֹכְרִין לָהֶן; תְּיוּבְתָּא דְּרַב חָנָן בַּר רָבָא! תְּיוּבְתָּא.

The Gemara **raises an objection** from a *baraita*: **Just as one may not sell large livestock to** gentiles, **so too one may not sell large beasts to them.**[H] **And even in a place where** the people were accustomed to **sell small livestock to** gentiles; nevertheless, **one may not sell large beasts to** them. The Gemara concludes: **The refutation of** the opinion of **Rav Ḥanan bar Rava** is **a conclusive refutation.**

רָבִינָא רָמֵי מַתְנִיתִין אַבָּרַיְיתָא וּמְשַׁנֵּי; תְּנַן: אֵין מוֹכְרִין לָהֶן דּוּבִּין וַאֲרָיוֹת וְלֹא כָּל דָּבָר שֶׁיֵּשׁ בּוֹ נֵזֶק לָרַבִּים; טַעְמָא דְּאִית בֵּיהּ נֵזֶק, הָא לֵית בֵּיהּ נֵזֶק – מוֹכְרִין.

The Gemara presents a different version of this discussion. **Ravina raises a contradiction between the mishna** here **and a *baraita* and resolves** the contradiction. **We learned** in the mishna: **One may not sell bears, or lions, or any item that can cause injury to the public, to** gentiles. Ravina analyzes the mishna: **The reason** a beast such as a lion cannot be sold to gentiles is **that it can cause injury to the public,** from which it may be inferred that with regard to another beast, which **does not cause injury to the public, one may sell** it to gentiles.

וּרְמִינְהִי: כְּשֵׁם שֶׁאֵין מוֹכְרִין בְּהֵמָה גַּסָּה כָּךְ אֵין מוֹכְרִין חַיָּה גַּסָּה, וַאֲפִילּוּ בְּמָקוֹם שֶׁמּוֹכְרִין בְּהֵמָה דַּקָּה, חַיָּה גַּסָּה אֵין מוֹכְרִין! וּמְשַׁנֵּי: בַּאֲרִי שָׁבוּר, וְאַלִּיבָּא דְּרַבִּי יְהוּדָה. רַב אַשִׁי אָמַר: סְתָם אֲרִי שָׁבוּר הוּא אֵצֶל מְלָאכָה.

And Ravina **raises a contradiction** from a *baraita*: **Just as one may not sell large livestock** to gentiles, **so too, one may not sell large beasts** to them. **And even in a place where** the people were accustomed to **sell small livestock** to gentiles, **one may not sell large beasts** to them. The *baraita* indicates that one may never sell large beasts to gentiles, even if it poses no danger to the public. **And** Ravina **resolves** the contradiction between the mishna and the *baraita*: The ruling of the mishna is stated **with regard to a damaged lion, in accordance with** the opinion **of Rabbi Yehuda. Rav Ashi says** there is a different explanation: **An ordinary lion is** considered **damaged with regard to labor.**

מַתְקִיף לָהּ רַב נַחְמָן: מַאן לֵימָא לָן דַּאֲרִי חַיָּה גַּסָּה הִיא? דִּלְמָא חַיָּה דַּקָּה הִיא!

Rav Naḥman objects to the inference drawn from the mishna: **Who will tell us that a lion is** considered **a large beast? Perhaps it is** considered **a small beast,** in which case it cannot be inferred that the mishna permits the sale of large beasts.

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רַב אַשִׁי דָּיֵיק מַתְנִיתִין וּמוֹתִיב תִּיוּבְתָּא: תְּנַן: אֵין מוֹכְרִין לָהֶן דּוּבִּים וַאֲרָיוֹת וְלֹא כָּל דָּבָר שֶׁיֵּשׁ בּוֹ נֵזֶק לָרַבִּים; טַעְמָא דְּאִית בֵּיהּ נֵזֶק, הָא לֵית בֵּיהּ נֵזֶק מוֹכְרִין.

The Gemara explains: **Rav Ashi examined the mishna** here carefully, **and** from it he **raises a refutation** of the opinion of Rav Ḥanan bar Rava, who permitted the sale of large beasts. **We learned** in the mishna: **One may not sell bears, or lions, or any item that can cause injury to the public, to** gentiles. Rav Ashi inferred two conclusions from here. First, **the reason** a beast such as a lion cannot be sold to gentiles is **because it can cause injury to the public,** whereas with regard to a beast that **does not cause injury to the public, one may sell** it to gentiles. This inference was cited in contradiction of the opinion of Rav, as explained before.

וְטַעְמָא אֲרִי, דְּסִתָּם אֲרִי שָׁבוּר הוּא אֵצֶל מְלָאכָה, אֲבָל מִידֵּי אַחֲרִינָא דְּעָבִיד מְלָאכָה לָא, תִּיוּבְתָּא דְּרַב חָנָן בַּר רָבָא! תִּיוּבְתָּא.

And Rav Ashi then inferred, in resolution of Rav's opinion, that **the reason** the mishna specifies that one may sell **a lion**[N] if it does not pose a danger to the public is **that an ordinary lion is** considered **damaged with regard to labor. But a different** animal **that performs labor** may **not** be sold. This presents a difficulty to the opinion of Rav Ḥanan bar Rava. The Gemara concludes: **The refutation of** the opinion of **Rav Ḥanan bar Rava** is **a conclusive refutation.**

וְחַיָּה גַּפָּה מִיהַת מַאי מְלָאכָה עָבְדָא? אֲמַר אַבַּיֵי, אֲמַר לִי מָר יְהוּדָה: דְּבֵי מָר יוֹחֲנִי טָחֲנִי רֵיחַיִם בַּעֲרוֹדֵי.

The Gemara asks: **But in any event, what labor can a large beast perform?** Why is it necessary to prohibit the sale of large beasts if they are not trained to perform any labor? **Abaye said: Mar Yehuda said to me** that **in the house of Mar Yoḥani, they grind the mill with wild asses,**[B] which are considered large beasts.

אֲמַר רַבִּי זֵירָא: כִּי הֲוֵינַן בֵּי רַב יְהוּדָה, אֲמַר לָן: גְּמִירוּ מִינַּאי הָא מִילְתָא, דְּמִגַּבְרָא רַבָּה שְׁמִיעַ לִי, וְלָא יָדְעִנָא אִי מֵרַב אִי מִשְּׁמוּאֵל: חַיָּה גַּפָּה הֲרֵי הִיא כִּבְהֵמָה דַּקָּה לְפִירְכוּס.

§ **Rabbi Zeira said: When we were in the** study **hall of Rav Yehuda, he said to us: Learn from me this matter, which I heard from a great man, but I do not know if** I heard it **from Rav or from Shmuel:** The status of **a large beast is like** that of **small livestock with regard to a spasm,** i.e., the symptoms of vitality required at the time of slaughtering.

כִּי אֲתַאי לְקוֹרְקוֹנְיָא, אַשְׁכַּחְתֵּיהּ לְרַב חִיָּיא בַּר אַשִׁי, וְיָתֵיב וְקָאָמַר מִשְּׁמֵיהּ דְּשְׁמוּאֵל: חַיָּה גַּפָּה הֲרֵי הִיא כִּבְהֵמָה דַּקָּה לְפִירְכוּס, אָמִינָא: שְׁמַע מִינָּהּ מִשְּׁמֵיהּ דְּשְׁמוּאֵל אִיתְּמַר. כִּי אֲתַאי לְסוּרָא, אַשְׁכַּחְתֵּיהּ לְרַבָּה בַּר יִרְמְיָה דְּיָתֵיב וְקָאָמַר לָהּ מִשְּׁמֵיהּ דְּרַב: חַיָּה גַּפָּה הֲרֵי הִיא כִּבְהֵמָה דַּקָּה לְפִירְכוּס, אָמִינָא: שְׁמַע מִינָּהּ אִיתְּמַר מִשְּׁמֵיהּ דְּרַב וְאִיתְּמַר מִשְּׁמֵיהּ דְּשְׁמוּאֵל.

Rabbi Zeira continued: **When I came to** the city of **Korkoneya,**[B] **I found Rav Ḥiyya bar Ashi sitting and saying in the name of Shmuel:** The status of **a large beast is like** that of **small livestock with regard to a spasm. I said** to myself: One can **conclude from** here that this **was stated in the name of Shmuel. When I came to Sura, I found Rabba bar Yirmeya sitting and saying in the name of Rav:** The status of **a large beast is like** that of **small livestock with regard to a spasm. I said** to myself: One can **conclude from** here that this **was stated in the name of Rav, and** it **was** also **stated in the name of Shmuel.**

NOTES

The reason the mishna specifies that one may sell a lion – טַעְמָא אֲרִי: Earlier, the Gemara deduced from the mishna only the first inference, that it is permitted to sell a large beast that does not pose a threat to the public. This inference supports the opinion of Rav Ḥanan bar Abba, that one may sell large beasts to gentiles. By contrast, here Rav Ashi deduces an additional inference from the mishna, which leads to the opposite conclusion. From the fact that the mishna uses the example of a lion instead of issuing a general statement with regard to all beasts that can cause injury to the public, one can learn that the mishna is speaking only about specific types of beasts, those that are unfit for performing labor. Generally speaking, it is prohibited to sell a beast to a gentile.

BACKGROUND

Wild ass [*arod*] – עָרוֹד: The *arod* is commonly identified with the wild ass. The Gemara might be referring generally to two separate species: the onager, *Equus hemionus*, and the African wild ass, *Equus africanus*. Some hold that the *arod* is identified specifically with the African species, which was found in Eretz Yisrael in ancient times. The *arod* is similar in build and behavior to a horse, and dwells in the plains and deserts of Asia. The animal is mentioned several times in the Bible as a symbol of freedom and wildness. As described here, in rare cases these donkeys were utilized for the performance of labor.

Korkoneya – קוֹרְקוֹנְיָא: The actual name of this city was probably: The fort [*akra*] of the city Koneya. It was apparently located near the city of Sura.

Onager

African wild ass

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כִּי סְלִיקְנָא לְהָתָם, אַשְׁכַּחְתֵּיהּ לְרַב אַסִי דְּיָתֵיב וְקָאָמַר, אָמַר רַב חָמָא בַּר גּוּרְיָא מִשְּׁמֵיהּ דְּרַב: חַיָּה גַּפָּה הֲרֵי הִיא כִּבְהֵמָה דַּקָּה לְפִירְכּוֹס, אֲמַרִי לֵיהּ: וְלָא סָבַר לָהּ מָר דְּמַאן מָרָא דְּשָׁמַעְתְּתָא רַבָּה בַּר יִרְמְיָה? אֲמַר לִי: פַּתְיָא אוּכְמָא, מִינַּאי וּמִינָּךְ תִּסְתַּיֵּים שְׁמַעְתָּא.

When I ascended to there, Eretz Yisrael, **I found Rav Asi sitting and saying** that **Rav Ḥama bar Gurya says in the name of Rav:** The status of **a large beast is like** that of **small livestock with regard to a spasm. I said to him: And doesn't the Master hold that the Master** who is responsible for dissemination **of** this ***halakha*** **is Rabba bar Yirmeya?** Why don't you attribute the statement to him? Rav Asi **said to me: Black pot** [***patya***],[L] a term of endearment for a scholar who works hard studying Torah: **From me and from you** this ***halakha*** **may be concluded.** In other words, our two statements should be combined to form one accurate attribution of the *halakha*.

אִיתְּמַר נַמִּי, אָמַר רַבִּי זֵירָא אָמַר רַב אַסִי אָמַר רַבָּה בַּר יִרְמְיָה אָמַר רַב חָמָא בַּר גּוּרְיָא אָמַר רַב: חַיָּה גַּפָּה הֲרֵי הִיא כִּבְהֵמָה דַּקָּה לְפִירְכּוֹס.

The Gemara notes that in fact this ruling **was also stated: Rabbi Zeira says** that **Rav Asi says** that **Rabba bar Yirmeya says** that **Rav Ḥama bar Gurya says** that **Rav says:** The status of **a large beast is like** that of **small livestock with regard to a spasm.**

״אֵין בּוֹנִין״ כּוּ׳. אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן, שָׁלֹשׁ בַּסִּילְקָאוֹת הֵן: שֶׁל מְלָכִים, וְשֶׁל מֶרְחֲצָאוֹת, וְשֶׁל אוֹצָרוֹת. אָמַר רָבָא: שְׁתַּיִם לְהֶיתֵּר וְאֶחָד לְאִיסּוּר, וְסִימָן: ״לֶאְסֹר מַלְכֵיהֶם בְּזִקִים״.

§ The mishna teaches that **one may not build** a basilica in conjunction with gentiles. **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: There are three** types of **basilicas:** Those **of kings, and** those **of bathhouses, and** those **of storehouses. Rava says: Two** of these types **are permitted,** as they are not used for inflicting the death penalty, **and one is prohibited** [***le'isor***]**. And a mnemonic** device for this ruling, that the basilica of kings is prohibited, is the verse: "**To bind** [***le'esor***] **their kings with chains**" (Psalms 149:8).

וְאִיכָּא דְּאָמְרִי, אָמַר רָבָא: כּוּלָּם לְהֶיתֵּר. וְהָתְנַן: אֵין בּוֹנִין עִמָּהֶן בַּסִּילְקִי, גַּרְדּוֹם, אִיצְטַדְיָא וּבִימָה! אֵימָא: שֶׁל גַּרְדּוֹם וְשֶׁל אִיצְטַדְיָא וְשֶׁל בִּימָה.

And there are those **who say** that this is what **Rava says: All** these types of basilica are **permitted.** The Gemara asks: How can it be permitted to build any type of basilica; **but didn't we learn** in the mishna: **One may not build with them a basilica, a tribunal, a stadium, or a platform?** The Gemara answers: **Say** that the mishna means the following: One may not build in conjunction with gentiles a basilica **of a tribunal, or of a stadium, or of a platform.** But it is permitted to build a basilica that is not used for sentencing and inflicting the death penalty.

תָּנוּ רַבָּנָן: כְּשֶׁנִּתְפַּס רַבִּי אֱלִיעֶזֶר לְמִינוּת, הֶעֱלֻהוּ לְגַרְדּוֹם לִידּוֹן. אָמַר לוֹ אוֹתוֹ הֶגְמוֹן: זָקֵן שָׁכְמוֹתְךָ יַעֲסוֹק בִּדְבָרִים בְּטֵלִים הַלָּלוּ?

§ Apropos the above discussion, the Gemara relates incidents involving Sages who were sentenced by the ruling authorities. **The Sages taught: When Rabbi Eliezer was arrested** and charged **with heresy**[NB] by the authorities, **they brought him up to a tribunal to be judged. A certain** judicial **officer** [***hegemon***][L] **said to him:** Why **should an elder like you engage in these frivolous matters**[N] of heresy?

אָמַר לוֹ: נֶאֱמָן עָלַי הַדַּיָּין. כְּסָבוּר אוֹתוֹ הֶגְמוֹן עָלָיו הוּא אוֹמֵר, וְהוּא לֹא אָמַר אֶלָּא כְּנֶגֶד אָבִיו שֶׁבַּשָּׁמַיִם. אָמַר לוֹ: הוֹאִיל וְהֶאֱמַנְתִּי עָלֶיךָ, דִּימוֹס, פָּטוּר אַתָּה.

Rabbi Eliezer **said to him: The Judge is trusted by me** to rule correctly. **That officer thought** that Rabbi Eliezer **was speaking about him; but** in fact **he said** this **only in reference to his Father in Heaven.** Rabbi Eliezer meant that he accepted God's judgment, i.e., if he was charged he must have sinned to God in some manner. The officer **said to him: Since you** put **your trust in me,** you are **acquitted** [***dimos***];[LN] **you are exempt.**

כְּשֶׁבָּא לְבֵיתוֹ נִכְנְסוּ תַּלְמִידָיו אֶצְלוֹ לְנַחֲמוֹ, וְלֹא קִיבֵּל עֲלָיו תַּנְחוּמִין. אָמַר לוֹ רַבִּי עֲקִיבָא: רַבִּי, תַּרְשֵׁינִי לוֹמַר דָּבָר אֶחָד מִמַּה שֶׁלִּימַּדְתָּנִי? אָמַר לוֹ: אֱמוֹר. אָמַר לוֹ: רַבִּי, שָׁמָא מִינוּת בָּא לְיָדֶךָ

When Rabbi Eliezer **came home, his students entered to console him** for being accused of heresy, which he took as a sign of sin, **and he did not accept** their words of **consolation. Rabbi Akiva said to him: My teacher, allow me to say one matter from** all of **that which you taught me.** Rabbi Eliezer **said to him: Speak.** Rabbi Akiva **said to him: My teacher, perhaps** some statement of **heresy came before you**

LANGUAGE

Pot [*patya*] – **פַּתְיָא:** This term probably comes from the Akkadian *pattû*. Here it is referring to a type of earthenware pot that has become blackened from extensive use. It is used as a symbol of a Torah scholar who invests great effort in his studies.

Officer [*hegemon*] – **הֶגְמוֹן:** From the Greek ἡγεμών, *hēgemon*, meaning leader or high ranking minister. It was also used as the Greek title for the proconsuls or their representatives, who were in charge of entire provinces.

Acquitted [*dimos*] – **דִּימוֹס:** From the Latin dimissionis, meaning dismissing or discharge. Accordingly, *dimos* is the instruction to acquit a defendant.

NOTES

When Rabbi Eliezer was arrested and charged with heresy – כְּשֶׁנִּתְפַּס רַבִּי אֱלִיעֶזֶר לְמִינוּת: Some commentaries explain that Rabbi Eliezer was arrested by heretics. Others maintain that he was arrested by the Romans and charged with engaging in heresy, i.e., Christianity (Rabbeinu Ḥananel; *Meromei Sadeh*; see *Dikdukei Soferim*). If so, it is understandable why Rabbi Eliezer was so upset by the accusations, notwithstanding their falsehood.

Frivolous matters – דְּבָרִים בְּטֵלִים: Some explain, in keeping with Rashi's opinion that Rabbi Eliezer was being tried by heretics, that the judge was referring to Torah study (Ra'avad). Others contend that the judge was asking why an elderly person would concern himself with the pointless opinions of heretics (Rabbeinu Ḥananel).

Acquitted [*dimos*] **– דִּימוֹס:** Some explain that *dimos* was the name of this judge's god, and it was stated as an oath (Rashi; Rabbeinu Ḥananel). Others maintain, based on the midrash, that *dimos* means freedom. In other words, the judge was informing Rabbi Eliezer that he was acquitted.

BACKGROUND

Rabbi Eliezer was arrested and charged with heresy – נִתְפַּס רַבִּי אֱלִיעֶזֶר לְמִינוּת: The Romans treated religions they accepted with tolerance. Yet, they did not recognize various sects that they deemed heretical, a category that included Christianity. These were considered forms of superstition and sorcery. This was bolstered by the fact that many heretical sects were mystical in outlook and included sorcerous rites. It is unclear what Rabbi Eliezer did to be accused of heresy, but it is possible that his ascetic lifestyle and the fact that he was isolated from his colleagues to a certain extent (see, e.g., *Bava Metzia* 59a–b) caused the Romans to be suspicious of him.

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וְהִנְאֲךָ, וְעָלָיו נִתְפַּסְתָּ? אָמַר לוֹ: עֲקִיבָא, הִזְכַּרְתָּנִי, פַּעַם אַחַת הָיִיתִי מְהַלֵּךְ בַּשּׁוּק הָעֶלְיוֹן שֶׁל צִיפּוֹרִי, וּמָצָאתִי אָדָם אֶחָד מִתַּלְמִידֵי יֵשׁוּ הַנּוֹצְרִי וְיַעֲקֹב אִישׁ כְּפַר סְכַנְיָא שְׁמוֹ, אָמַר לִי: כָּתוּב בְּתוֹרָתְכֶם: ״לֹא תָבִיא אֶתְנַן זוֹנָה״ וגו׳, מֵהוּ לַעֲשׂוֹת הֵימֶנּוּ בֵּית הַכִּסֵּא לְכֹהֵן גָּדוֹל? וְלֹא אָמַרְתִּי לוֹ כְּלוּם;

and you derived pleasure from it, and because of this **you were held responsible** by Heaven. Rabbi Eliezer **said to him: Akiva,** you are right, as **you have reminded me** that **once I was walking in the upper marketplace of Tzippori,**[B] **and I found a man** who was one **of the students of Jesus the Nazarene,**[B] **and his name was Ya'akov of Kefar Sekhanya.**[P] **He said to me: It is written in your Torah: "You shall not bring the payment to a prostitute,** or the price of a dog, into the house of the Lord your God" (Deuteronomy 23:19). **What is** the *halakha*: Is it permitted **to make from** the payment to a prostitute for services rendered **a bathroom for a High Priest**[N] in the Temple? **And I said nothing to him** in response.

אָמַר לִי, כָּךְ לִימְּדַנִי יֵשׁוּ הַנּוֹצְרִי: ״כִּי מֵאֶתְנַן זוֹנָה קִבָּצָה וְעַד אֶתְנַן זוֹנָה יָשׁוּבוּ״ – מִמָּקוֹם הַטִּנּוֹפֶת בָּאוּ לְמָקוֹם הַטִּנּוֹפֶת יֵלְכוּ.

He said to me: Jesus the Nazarene taught me the following: It is permitted, as derived from the verse: **"For of the payment to a prostitute she has gathered them, and to the payment to a prostitute they shall return"** (Micah 1:7). Since the coins **came from a place of filth, let them go to a place of filth** and be used to build a bathroom.

וְהִנְאַנִי הַדָּבָר, עַל יְדֵי זֶה נִתְפַּסְתִּי לְמִינוּת, וְעָבַרְתִּי עַל מַה שֶּׁכָּתוּב בַּתּוֹרָה: ״הַרְחֵק מֵעָלֶיהָ דַּרְכֶּךָ״ – זוֹ מִינוּת, ״וְאַל תִּקְרַב אֶל פֶּתַח בֵּיתָהּ״ – זוֹ הָרְשׁוּת. וְאִיכָּא דְּאָמְרִי: ״הַרְחֵק מֵעָלֶיהָ דַּרְכֶּךָ״ – זוֹ מִינוּת וְהָרְשׁוּת, ״וְאַל תִּקְרַב אֶל פֶּתַח בֵּיתָהּ״ – זוֹ זוֹנָה. וְכַמָּה? אָמַר רַב חִסְדָּא: אַרְבַּע אַמּוֹת.

And I derived pleasure from the statement, and **due to this, I was arrested for heresy** by the authorities, because **I transgressed that which is written in the Torah:** "Remove your way far from her, and do not come near the entrance of her house" (Proverbs 5:8). **"Remove your way far from her," this** is a reference **to heresy;**[H] **"and do not come near the entrance of her house," this** is a reference to **the ruling authority.** The Gemara notes: **And there are** those **who say** a different interpretation: **"Remove your way far from her," this** is a reference to **heresy and the ruling authority; "and do not come near the entrance of her house," this** is a reference to **a prostitute. And how much** distance must one maintain from a prostitute? **Rav Ḥisda said: Four cubits.**[H]

וְרַבָּנַן, [הַאי] מֵ״אֶתְנַן זוֹנָה״ מַאי דָּרְשִׁי בֵּיהּ? כִּדְרַב חִסְדָּא, דְּאָמַר רַב חִסְדָּא: כָּל זוֹנָה שֶׁנִּשְׁכֶּרֶת – לְבַסּוֹף הֵיא שׁוֹכֶרֶת, שֶׁנֶּאֱמַר: ״וּבִתְּתֵךְ אֶתְנָן וְאֶתְנַן לֹא נִתַּן לָךְ [וְתִהְיִי לְהֶפֶךְ]״.

With regard to the derivation of the verse by Jesus the Nazarene, the Gemara asks: **And what do the Sages derive from this** phrase: **"Payment to a prostitute"?** The Gemara answers: They explain it **in accordance with** the opinion **of Rav Ḥisda, as Rav Ḥisda says: Any prostitute who hires herself** out to others for money will become so attached to this practice that **ultimately,** when others no longer wish to hire her, **she** will **hire** others to engage in intercourse with her. **As it is stated: "And in that you gave payment, and no payment is given to you, therefore you are contrary"** (Ezekiel 16:34).

BACKGROUND

Tzippori – צִיפּוֹרִי: Tzippori was a large city in the Upper Galilee and the perennial rival of Tiberius for the status of the religious capital of the Galilee. During the Second Temple period it enjoyed special status among the cities of the Galilee due to its large and learned Jewish community. Among those who lived there were Rabbi Yoḥanan ben Nuri, Rabbi Ḥalafta, and his famous son Rabbi Yosei. Rabbi Yehuda HaNasi relocated to Tzippori toward the end of his life, and Tzippori was the seat of the Sanhedrin for approximately one generation. Some of Rabbi Yehuda HaNasi's disciples lived in Tzippori including: Rabbi Yishmael, son of Rabbi Yosei; Rabban Gamliel, son of Rabbi Yehuda HaNasi, who was later appointed as *Nasi*; his brother Rabbi Shimon; Rabbi Ḥanina bar Ḥama, who later headed the yeshiva in Tzippori; and Rabbi Yannai. Even after the Sanhedrin relocated to Tiberius, Torah scholars continued to reside in Tzippori, including the prominent *amora'im* of Eretz Yisrael: Rabbi Ḥanina of Tzippori and Rabbi Mana.

Remains of Roman street in Tzippori

Jesus the Nazarene – יֵשׁוּ הַנּוֹצְרִי: In standard versions of the Talmud, this story appears without the name Jesus the Nazarene, which was removed by censors.

A similar incident appears in tractate *Sota* (47a), where Rabbi Yehoshua ben Peraḥya is depicted as one who pushed aside Jesus the Nazarene with both hands. The Gemara relates that Yehoshua ben Peraḥya was returning to Jerusalem following his flight to Alexandria in Egypt, together with his student, Jesus the Nazarene. When they stopped in an inn and were treated well, Yehoshua ben Peraḥya mentioned to Jesus that the service was good. Jesus responded that the innkeeper was unattractive. This response led Yehoshua ben Peraḥya to ostracize Jesus. Yehoshua ben Peraḥya was unable to bring himself to revoke the ostracism until it was too late and Jesus turned away from traditional Judaism.

It should be noted, however, that the story of Yehoshua ben Peraḥya, who was driven from Jerusalem by the Hasmonean King Alexander Yannai, could not have taken place any later than 76 BCE. Consequently, the reference to Jesus the Nazarene cannot be connected with the individual surrounding whom the Christian faith was established. Many commentaries therefore suggest that all talmudic references to Jesus are referring to another person, as presumably there was more than one person with that name who lived during the time of the Mishna.

NOTES

Bathroom for a High Priest – בֵּית הַכִּסֵּא לְכֹהֵן גָּדוֹל: The High Priest would leave his house seven days prior to Yom Kippur and perform the service in the Temple, where provisions were made for all of his needs. This necessarily included the preparation of a bathroom for him.

PERSONALITIES

Ya'akov of Kefar Sekhanya – יַעֲקֹב אִישׁ כְּפַר סְכַנְיָא: Even if one identifies the Jesus mentioned here with the founder of Christianity, the identity of this student remains unclear. Christian texts mention at least three individuals called Ya'akov who were students, or apostles, of Jesus of Nazareth. Since there they are identified by the names of their fathers, not their place of residence, it is impossible to ascertain which one is the disciple referred to here.

HALAKHA

Remove your way far from her, this is heresy – הַרְחֵק מֵעָלֶיהָ דַּרְכֶּךָ זוֹ מִינוּת: The term heretics refers to those who question God's uniqueness and oneness, the Divine nature of the Torah, and the reality of prophecy. Ultimately they transgress the mitzvot of the Torah with impunity, claiming that such actions are not a sin. It is prohibited to converse with heretics and to respond to their arguments in any way (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 2:5).

How much…four cubits – כַּמָּה…אַרְבַּע אַמּוֹת: When passing by a brothel, one must maintain a distance of four cubits from it. Likewise, it is a mitzva to keep at a distance of four cubits from a path that leads to a place of idol worship. This is in accordance with the statement of Rav Ḥisda (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 21:22; *Shulḥan Arukh*, *Yoreh De'a* 150:1 and *Even HaEzer* 21:1).

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וּפְלִיגָא דְּרַבִּי פְּדָת, דְּאָמַר רַבִּי פְּדָת: לֹא אֲסָרָהּ תּוֹרָה אֶלָּא קְרִיבָה שֶׁל גִּלּוּי עֲרָיוֹת בִּלְבַד, שֶׁנֶּאֱמַר: ״אִישׁ אִישׁ אֶל כָּל שְׁאֵר בְּשָׂרוֹ לֹא תִקְרְבוּ לְגַלּוֹת עֶרְוָה״.

The Gemara comments: **And** Rav Ḥisda, who stated above that the Torah requires one to maintain a distance of four cubits from a prostitute, **disagrees with** the opinion **of Rabbi Pedat. As Rabbi Pedat says: The Torah prohibited only intimacy that involves engaging in prohibited sexual relations, as it is stated: "None of you shall approach to any that is near of kin to him, to uncover their nakedness"** (Leviticus 18:6). The prohibition against intimacy in the Torah applies exclusively to sexual intercourse, and all other kinds of intimacy that do not include actual intercourse are not included in the prohibition.

עוּלָּא כִּי הֲוָה אָתֵי מִבֵּי רַב, הֲוָה מְנַשֵּׁק לְהוּ לַאֲחָתֵיהּ אַבֵּי יְדֵיהוּ, וְאָמְרִי לָהּ: אַבֵּי חֲדָיֵיהוּ. וּפְלִיגָא דִּידֵיהּ אַדִּידֵיהּ, דְּאָמַר עוּלָּא: קְרִיבָה בְּעָלְמָא אָסוּר, מְשׁוּם ״לֵךְ לָךְ, אָמְרִין נְזִירָא, סְחוֹר סְחוֹר, לִכַּרְמָא לָא תִּקְרַב״.

The Gemara relates: **When Ulla would come from the study hall, he would kiss his sisters on their hands.**[N] **And some say: On their chests. And** the Gemara points out that this action of **his disagrees with** another ruling that Ulla **himself** issued,[N] **as Ulla says: Mere intimacy** with a woman with whom one is prohibited from engaging in sexual intercourse is **prohibited,**[H] **due to** the maxim: **Go, go, we say to a nazirite, go around, go around** but **do not come near to the vineyard.** Just as a nazirite is warned not even to come into close proximity of a vineyard lest he consume a product of the vine, so too one is obligated to distance himself from anyone with whom intercourse is forbidden.

״לַעֲלוּקָה שְׁתֵּי בָנוֹת הַב הַב״ – מַאי ״הַב הַב״? אָמַר מָר עוּקְבָא: [קוֹל] שְׁתֵּי בָנוֹת שֶׁצּוֹעֲקוֹת מִגֵּיהִנֹּם, וְאוֹמְרוֹת בָּעוֹלָם הַזֶּה ״הָבֵא הָבֵא״, וּמַאן נִינְהוּ? מִינוּת וְהָרְשׁוּת. אִיכָּא דְּאָמְרִי: אָמַר רַב חִסְדָּא אָמַר מָר עוּקְבָא, קוֹל גֵּיהִנֹּם צוֹעֶקֶת וְאוֹמֶרֶת: הָבִיאוּ לִי שְׁתֵּי בָנוֹת שֶׁצּוֹעֲקוֹת וְאוֹמְרוֹת בָּעוֹלָם הַזֶּה: ״הָבֵא״ ״הָבֵא״.

§ In connection to the earlier mention of heresy and the ruling authorities, the Gemara cites a verse: **"The horseleech has two daughters: Give, give"** (Proverbs 30:15). **What** is meant by **"give, give"? Mar Ukva says:** This is the **voice** of **the two daughters who cry** out **from Gehenna** due to their suffering; **and** they are the ones who **say in this world: Give, give,** demanding dues and complete allegiance. **And who are they?** They are **heresy and the ruling authority. There are** those **who say** that **Rav Ḥisda says** that **Mar Ukva says: The voice of Gehenna cries** out **and says: Bring me two daughters who cry and say in this world: Give, give.**

״כָּל בָּאֶיהָ לֹא יְשׁוּבוּן וְלֹא יַשִּׂיגוּ אָרְחוֹת חַיִּים״ – וְכִי מֵאַחַר שֶׁלֹּא שָׁבוּ הֵיכָן יַשִּׂיגוּ? הָכִי קָאָמַר: וְאִם יָשׁוּבוּ – לֹא יַשִּׂיגוּ אוֹרְחוֹת חַיִּים.

The following verse in Proverbs makes reference to a foreign woman, which according to the Sages is a euphemism for heresy: **"None that go to her return, neither do they attain the paths of life"** (Proverbs 2:19). The Gemara asks: **Since** those that are drawn to heresy **do not return,** from **where would they attain** the path of life? Why is it necessary for the verse to add that they do not attain the paths of life? The Gemara explains that **this** is what the verse **is saying:** In general, those who go to her do not return, **and** even **if they return, they do not attain**[H] **the paths of life,** i.e., the pain of their regret will shorten their lives.

לְמֵימְרָא, דְּכָל הַפּוֹרֵשׁ מִמִּינוּת מָיֵית? וְהָא הַהִיא דַּאֲתַאי לְקַמֵּיהּ דְּרַב חִסְדָּא וַאֲמָרָה לֵיהּ: קַלָּה שֶׁבְּקַלּוֹת עָשְׂתָה בְּנָה הַקָּטָן מִבְּנָהּ הַגָּדוֹל, וַאֲמַר לָהּ רַב חִסְדָּא: טִרְחִי לָהּ בִּזְוִודְתָא, וְלָא מֵתָה;

The Gemara asks: Is this **to say that anyone who separates** himself **from heresy** and returns from his mistaken ways must **die?**[N] **But** what about **that** woman **who came before Rav Ḥisda** to confess to him, **and she said to him: The lightest of the light,** i.e., the least of the sins that she committed, is that **she conceived her younger son from** engaging in intercourse with **her older son. And Rav Ḥisda said to her: Prepare funeral shrouds for her,** i.e., yourself, as you will certainly die soon, **but she did not die.**

HALAKHA

Mere intimacy is prohibited – קְרִיבָה בְּעָלְמָא אָסוּר: One may not engage in any form of intimacy with a forbidden relative, whether she is an adult or a minor. This is the *halakha* even with regard to relatives for which one has no desire, e.g., one's adult sister or aunt. The *Baḥ* notes that it is permitted for a father to show affection to his daughter and a mother to show affection to her son. Similarly, it is permitted in the case of one's granddaughter or minor sister (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 21:6; *Shulḥan Arukh*, *Even HaEzer* 21:7, and see *Piṭhei Teshuva* there).

If they return they do not attain, etc. – וְאִם יָשׁוּבוּ לֹא יַשִּׂיגוּ וכו׳: In *Hilkhot Avoda Zara* the Rambam writes: Jewish heretics are not accepted after repenting, as it is stated: "None that go to her return, neither do they attain the paths of life" (Proverbs 2:19). By contrast, in *Hilkhot Teshuva* the Rambam states that although they have no share in the World-to-Come, if they repent, they are accepted. The Rambam explains this discrepancy in his Responsa, where he writes that heretics are not accepted by the Jewish community even after repenting lest their repentance prove to be incomplete and only for the sake of appearances. But if they truly repent, then God, who probes the hearts of people and knows their true intentions, will accept them (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 2:5, see *Leḥem Mishne* there; *Hilkhot Teshuva* 4:6).

NOTES

On their hands – בֵּי יְדֵיהוּ: Some explain that he would kiss his sisters on their arms as a sign of respect (Rashi). Others maintain that he did not kiss their hands directly, but kissed their gloved hands (Ra'avad). The Gemara's statement that he kissed their chests is to be understood in a similar fashion (*Torat Ḥayyim*).

This action of his disagrees with another ruling that Ulla himself issued – פְּלִיגָא דִּידֵיהּ אַדִּידֵיהּ: Ulla allowed himself to act in this manner because he was exceptionally virtuous and was not tempted to sin even by women who were not related to him. As a principle, he held that one should distance oneself from any form of intimacy (*Tosafot*).

Anyone who separates himself from heresy must die – דְּכָל הַפּוֹרֵשׁ מִמִּינוּת מָיֵית: Some maintain that they die from the pain of remorse at having sinned so greatly and from the effort at controlling their evil inclination, as a kind of Divine decree (Rashi). Others contend that after being accustomed to enjoying all of the pleasures of the world, such individuals are unable to live without these pleasures once they repent (*Tosefot Ḥakhmei Angliyya*). Alternatively, as it is so difficult to abandon heretical ways, God in His mercy causes them to die before they return to their sins (Maharsha). Yet others suggest that those who commit the sin of heresy are left without any facet of holiness, which means that even when they separate from the evil they remain without any life force and they die (Maharal).

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מִדְּקָאָמְרָה "קַלָּה שֶׁבְּקַלּוֹת עָשְׂתָה", מִכְּלָל דִּמְינוּת [נַמִי] הָוְיָא בָּהּ! הַהוּא דְּלָא הָדְרָא בָּהּ שַׁפִּיר, וּמְשׁוּם הָכִי לָא מֵתָה.

The above incident refutes the claim that anyone who repents for the sin of heresy must die, as **from** the fact **that she said** that **the lightest of the light** of her sins was that **she conceived** one son from engaging in intercourse with another son, **by inference** one can learn **that she was also involved in heresy,** and yet she did not die. The Gemara answers: **That** is a case **where** the woman **did not repent properly, and due to that** reason **she did not die.**

אִיכָּא דְּאָמְרִי: מִמִּינוּת אֵין, מֵעֲבֵירָה לָא? וְהָא הַהִיא דַּאֲתַאי קַמֵּיהּ דְּרַב חִסְדָּא, וַאֲמַר לְהוּ [רַב חִסְדָּא: זְוִידוּ לָהּ זַוּודְתָא], וּמֵתָה! מִדְּקָאָמְרָה "קַלָּה שֶׁבְּקַלּוֹת", מִכְּלָל דִּמְינוּת נַמִי הָוְיָא בָּהּ.

There are those **who say** there is a different version of the objection to the Gemara's statement that those who repent for the sin of heresy must die: Is that to say that if one repents **for** the sin of **heresy, yes,** the result is death, whereas if one repents **for** the **sin** of forbidden sexual intercourse he does **not** die? **But** what about **that** woman **who came before Rav Ḥisda** to confess to him **and Rav Ḥisda said to** those present: **Prepare funeral shrouds for her, and she died?** The Gemara answers: **From** the fact **that she said: The lightest of the light, by inference** one can learn **that she was also involved in heresy.**

וּמֵעֲבֵירָה לָא? וְהָתַנְיָא: אָמְרוּ עָלָיו עַל רַבִּי אֶלְעָזָר בֶּן דּוּרְדַּיָּא שֶׁלֹּא הִנִּיחַ זוֹנָה אַחַת בָּעוֹלָם שֶׁלֹּא בָּא עָלֶיהָ. פַּעַם אַחַת שָׁמַע שֶׁיֵּשׁ זוֹנָה אַחַת בִּכְרֵכֵי הַיָּם וְהָיְתָה נוֹטֶלֶת כִּיס דִּינָרִין בִּשְׂכָרָהּ, נָטַל כִּיס דִּינָרִין וְהָלַךְ וְעָבַר עָלֶיהָ שִׁבְעָה נְהָרוֹת. בְּשָׁעַת הֶרְגֵּל דָּבָר הִפִּיחָה, אָמְרָה: כְּשֵׁם שֶׁהַפִּיחָה זוֹ אֵינָהּ חוֹזֶרֶת לִמְקוֹמָהּ, כָּךְ אֶלְעָזָר בֶּן דּוּרְדַּיָּא אֵין מְקַבְּלִין אוֹתוֹ בִּתְשׁוּבָה.

The Gemara asks: **And** is it correct that one who repents **of the sin** of forbidden sexual intercourse does **not** die? **But isn't it taught** in a *baraita*: **They said about Rabbi Elazar ben Durdayya that** he was so promiscuous that **he did not leave one prostitute in the world with whom he did not engage in sexual intercourse. Once, he heard that there was one prostitute in** one of the **cities overseas**[B] **who would take a purse** full of **dinars as her payment. He took a purse** full of **dinars and went and crossed seven rivers** to reach **her. When** they were engaged in the **matters** to which they were **accustomed,** a euphemism for intercourse, **she passed wind** and **said: Just as this passed wind** will **not return to its place, so too Elazar ben Durdayya will not be accepted in repentance,** even if he were to try to repent.

הָלַךְ וְיָשַׁב בֵּין שְׁנֵי הָרִים וּגְבָעוֹת, אָמַר: הָרִים וּגְבָעוֹת, בַּקְּשׁוּ עָלַי רַחֲמִים! אָמְרוּ לוֹ: עַד שֶׁאָנוּ מְבַקְּשִׁים עָלֶיךָ, נְבַקֵּשׁ עַל עַצְמֵנוּ, שֶׁנֶּאֱמַר: "כִּי הֶהָרִים יָמוּשׁוּ וְהַגְּבָעוֹת תְּמוּטֶינָה". אָמַר: שָׁמַיִם וָאָרֶץ, בַּקְּשׁוּ עָלַי רַחֲמִים! אָמְרוּ: עַד שֶׁאָנוּ מְבַקְּשִׁים עָלֶיךָ, נְבַקֵּשׁ עַל עַצְמֵנוּ, שֶׁנֶּאֱמַר: "כִּי שָׁמַיִם כָּעָשָׁן נִמְלָחוּ וְהָאָרֶץ כַּבֶּגֶד תִּבְלֶה".

This statement deeply shocked Elazar ben Durdayya, and **he went and sat between two mountains and hills** and **said: Mountains and hills, pray for mercy on my** behalf, so that my repentance will be accepted. **They said to him: Before we pray for mercy**[N] **on your** behalf, **we must pray for mercy on our own** behalf, **as it is stated: "For the mountains may depart, and the hills be removed"** (Isaiah 54:10). **He said: Heaven and earth, pray for mercy on my** behalf. **They said** to him: **Before we pray for mercy on your** behalf, **we must pray for mercy on our own** behalf, **as it is stated: "For the heavens shall vanish away like smoke, and the earth shall wax old like a garment"** (Isaiah 51:6).

אָמַר: חַמָּה וּלְבָנָה, בַּקְּשׁוּ עָלַי רַחֲמִים! אָמְרוּ לוֹ: עַד שֶׁאָנוּ מְבַקְּשִׁים עָלֶיךָ, נְבַקֵּשׁ עַל עַצְמֵנוּ, שֶׁנֶּאֱמַר: "וְחָפְרָה הַלְּבָנָה וּבוֹשָׁה הַחַמָּה". אָמַר: כּוֹכָבִים וּמַזָּלוֹת, בַּקְּשׁוּ עָלַי רַחֲמִים! אָמְרוּ לוֹ: עַד שֶׁאָנוּ מְבַקְּשִׁים עָלֶיךָ, נְבַקֵּשׁ עַל עַצְמֵנוּ, שֶׁנֶּאֱמַר: "וְנָמַקּוּ כָּל צְבָא הַשָּׁמָיִם".

He said: Sun and moon, pray for mercy on my behalf. **They said to him: Before we pray for mercy on your** behalf, **we must pray for mercy on our own** behalf, **as it is stated: "Then the moon shall be confounded, and the sun ashamed"** (Isaiah 24:23). **He said: Stars and constellations, pray for mercy on my** behalf. **They said to him: Before we pray for mercy on your** behalf, **we must pray for mercy on our own** behalf, **as it is stated: "And all the hosts of heaven shall molder away"** (Isaiah 34:4).

אָמַר: אֵין הַדָּבָר תָּלוּי אֶלָּא בִּי. הִנִּיחַ רֹאשׁוֹ בֵּין בִּרְכָּיו וְנָעָה בִּבְכִיָּה עַד שֶׁיָּצְתָה נִשְׁמָתוֹ. יָצְתָה בַּת קוֹל וְאָמְרָה: רַבִּי אֶלְעָזָר בֶּן דּוּרְדַּיָּא מְזוּמָּן לְחַיֵּי הָעוֹלָם הַבָּא. [וְהָא הָכָא בַּעֲבֵירָה הֲוָה וּמֵית!] – הָתָם נַמִי, כֵּיוָן דַּאֲבִיק בָּהּ טוּבָא כְּמִינוּת דָּמְיָא.

Elazar ben Durdayya **said:** Clearly **the matter depends on nothing other than myself. He placed his head between his knees and cried loudly until his soul left** his body. **A Divine Voice emerged and said: Rabbi Elazar ben Durdayya is destined for life in the World-to-Come.** The Gemara explains the difficulty presented by this story: **And here** Elazar ben Durdayya **was** guilty of **the sin** of forbidden sexual intercourse, **and** yet **he died** once he repented. The Gemara answers: **There too, since he was attached so strongly** to the sin, to an extent that transcended the physical temptation he felt, **it is similar to heresy,** as it had become like a form of idol worship for him.

BACKGROUND

Cities overseas – כְּרַכֵּי הַיָּם: This expression is understood by some scholars as referring to Caesarea or Cyprus. The stories in the Talmud that involve the cities overseas usually invoke them in order to solve a linguistic puzzle, since in the cities overseas a certain word was used with a specific meaning, or to describe an unusual occurrence, oftentimes an occurrence of sin or an atypical halakhic practice. For this reason it is likely that when the Sages used this term they did so less to point to a geographic place and more to create a setting for pedagogic purposes.

NOTES

Before we pray for mercy, etc. – עַד שֶׁאָנוּ מְבַקְּשִׁים וכו': The early commentaries explain that these discussions all took place in Elazar ben Durdayya's mind. In other words, he realized that this is what he would be answered by these entities and that he alone was responsible for himself (Rabbeinu Ḥananel; *Tosafot*).

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בָּכָה רַבִּי וְאָמַר: יֵשׁ קוֹנֶה עוֹלָמוֹ בְּכַמָּה שָׁנִים, וְיֵשׁ קוֹנֶה עוֹלָמוֹ בְּשָׁעָה אַחַת. וְאָמַר רַבִּי: לֹא דַּיָּין לְבַעֲלֵי תְּשׁוּבָה שֶׁמְּקַבְּלִין אוֹתָן, אֶלָּא שֶׁקּוֹרִין אוֹתָן ״רַבִּי״.

When **Rabbi** Yehuda HaNasi heard this story of Elazar ben Durdayya, **he wept and said: There is** one who **acquires his** share in the World-to-Come only **after many years** of toil, **and there is** one who **acquires his** share in the World-to-Come **in one moment. And Rabbi** Yehuda HaNasi further **says: Not only are penitents accepted, but they are even called: Rabbi,** as the Divine Voice referred to Elazar ben Durdayya as Rabbi Elazar ben Durdayya.

רַבִּי חֲנִינָא וְרַבִּי יוֹנָתָן הָווּ קָאָזְלִי בְּאוֹרְחָא, מְטוּ לְהָנְהוּ תְּרֵי שְׁבִילֵי, חַד פָּצֵי אַפֵּיתְחָא דַּעֲבוֹדָה זָרָה, וְחַד פָּצֵי אַפֵּיתְחָא דְּבֵי זוֹנוֹת. אֲמַר לֵיהּ חַד לְחַבְרֵיהּ: נֵיזִיל אַפֵּיתְחָא דַּעֲבוֹדָה זָרָה,

§ In relation to the issue of distancing oneself from idol worship and prostitution, the Gemara relates: **Rabbi Ḥanina and Rabbi Yonatan were** once **walking along the road** when **they came to a certain two paths, one** of which **branched off toward the entrance of** a place of **idol worship, and** the other **one branched off toward the entrance of a brothel. One said to the other: Let us go by** the path that leads to **the entrance** of the place **of idol worship,**

Perek **I**
Daf **17** Amud **b**

דִּנְכִיס יִצְרֵיהּ, אֲמַר לֵיהּ אִידָךְ: נֵיזִיל אַפֵּיתְחָא דְּבֵי זוֹנוֹת, וְנִכְפֵּייהּ לְיִצְרִין וְנִקַּבֵּל אַגְרָא. כִּי מְטוּ הָתָם חֲזִינְהוּ [לְזוֹנוֹת], אִיתְכַּנְעוּ מִקַּמַּיְיהוּ.

as the inclination to engage in idol worship **has been slaughtered**[N] and the temptation to sin in this manner no longer exists. **The other said to him: Let us go by** the path that leads to **the entrance of** the **brothel and overpower our inclination, and** thereby **receive a reward. When they arrived there, they saw** that **the prostitutes yielded before their presence,** i.e., they entered the building out of respect for the Sages.

אֲמַר לֵיהּ: מְנָא לָךְ הָא? אֲמַר לֵיהּ: ״מְזִמָּה תִּשְׁמֹר תְּבוּנָה תִּנְצְרֶכָּה״.

One **said to** the other: **From where did you know this,** that the prostitutes would retreat from us in embarrassment? **He said to him:** It is written: **“From lewdness** [*mezimma*] **it shall watch over you; discernment shall guard you”** (Proverbs 2:11), i.e., the Torah will serve as a safeguard against lewdness.

אֲמַרוּ לֵיהּ רַבָּנַן לְרָבָא: מַאי ״מְזִמָּה״? אִילֵימָא תּוֹרָה, דִּכְתִיב בָּהּ ״זִמָּה״, וּמְתַרְגְּמִינַן: עֲצַת חַטָּאִין, וּכְתִיב: ״הִפְלִא עֵצָה הַגְדִּיל תּוּשִׁיָּה״, אִי הָכִי ״זִמָּה״ מִבָּעֵי לֵיהּ! הָכִי קָאָמַר: מִדְּבַר זִמָּה תִּשְׁמֹר עָלַיִךְ תּוֹרָה תִּנְצְרֶכָּה.

The Sages said to Rava: What is the meaning of ***mezimma*? If we say** that it is referring to the **Torah** that will guard you, **as it is written in it: “*Zimma*”** (Leviticus 18:17), **and we translate** this term as: **The council of** [*atzat*] **the sinners,** demonstrating that *zimma* is referring to council or wisdom, **and** the term *etza* **is** also **written** with regard to the Torah: “This also comes forth from the Lord of hosts: **Wonderful is His counsel** [*etza*]**, and great is His wisdom”** (Isaiah 28:29), this is difficult. The Gemara explains the difficulty: **If so,** the verse **should have** said: ***Zimma,*** and not *mezimma*. Rather, **this** is what the verse **is saying: From lewd matters** [***midevar zimma***]**, it shall watch over you, the Torah shall guard you,** i.e., the term discernment is a reference to the Torah.

תָּנוּ רַבָּנַן: כְּשֶׁנִּתְפְּסוּ רַבִּי אֶלְעָזָר בֶּן פְּרָטָא וְרַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן, אָמַר לוֹ רַבִּי אֶלְעָזָר בֶּן פְּרָטָא לְרַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן: אַשְׁרֶיךָ שֶׁנִּתְפַּסְתָּ עַל דָּבָר אֶחָד, אוֹי לִי שֶׁנִּתְפַּסְתִּי עַל חֲמִשָּׁה דְּבָרִים.

§ The Gemara returns to its discussion of the judgments of the Sages by the Roman rulers. **The Sages taught: When Rabbi Elazar ben Perata and Rabbi Ḥanina ben Teradyon**[P] **were arrested** by the Romans during the time of the religious persecution of the Jewish people, **Rabbi Elazar ben Perata said to Rabbi Ḥanina ben Teradyon: Fortunate are you, as you were arrested on one charge** only, of teaching Torah publicly; **woe is me, as I have been arrested on five charges.**[N]

NOTES

As the inclination to engage in idol worship has been slaughtered – דִּנְכִיס יִצְרֵיהּ: It is explained in tractate *Yoma* 69b that the members of the Great Assembly slaughtered the evil inclination for idol worship, meaning, they freed the world of that desire. In other words, this inclination, which for generations had plagued humanity, lost its power over people at this stage in history.

Five charges – חֲמִשָּׁה דְּבָרִים: He was charged with occupying himself with Torah, stealing, being called Rabbi, not attending the house of Abidan, and emancipating his slave. All of these were violations of decrees enacted by the Romans after the bar Kokheva rebellion.

PERSONALITIES

Rabbi Ḥanina ben Teradyon – רַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן: Rabbi Ḥanina ben Teradyon was a *tanna* of the fourth and fifth generations of *tanna'im*. Few of his statements are preserved in the mishna or other tannaitic sources. Rabbi Ḥanina lived in Sikhnei in the Upper Galilee, where he apparently presided over a large yeshiva. It is clear from several sources that he was a charity collector and that he also distributed his own funds to the poor. Following the bar Kokheva rebellion, he defied the decrees against teaching Torah in public despite the mortal danger of such activity. Rabbi Ḥanina was eventually caught by the authorities and sentenced to death. As the Gemara describes here, he was wrapped in a Torah and burned along with it. He is listed in the midrash and liturgical poetry as one of the Ten Martyrs, the ten rabbis who were martyred by the Romans in the period after the destruction of the Second Temple.

It is known that Rabbi Ḥanina ben Teradyon had two sons and two daughters. One of his sons was killed by the Romans, and as described here, his wife was sentenced to die by execution and his daughter was condemned to serve in a brothel. His other daughter, Berurya, was renowned for her extensive knowledge of Torah that placed her on par with the *tanna'im*. As explained later on in the Gemara (18a), she was the wife of the *tanna* Rabbi Meir.

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אָמַר לוֹ רַבִּי חֲנִינָא: אַשְׁרֶיךָ שֶׁנִּתְפַּסְתָּ עַל חֲמִשָּׁה דְּבָרִים וְאַתָּה נִיצּוֹל, אוֹי לִי שֶׁנִּתְפַּסְתִּי עַל דָּבָר אֶחָד וְאֵינִי נִיצּוֹל, שֶׁאַתְּ עָסַקְתָּ בַּתּוֹרָה וּבִגְמִילוּת חֲסָדִים, וַאֲנִי לֹא עָסַקְתִּי אֶלָּא בַּתּוֹרָה [בִּלְבַד];

Rabbi Ḥanina ben Teradyon **said to him: Fortunate are you, as you were arrested on five charges but you will be saved; woe is me, as I have been arrested on one charge, but I will not be saved.** You will be saved **because you engaged in Torah** study **and in acts of charity, and I engaged in Torah** study **alone.**

וְכִדְרַב הוּנָא, דְּאָמַר רַב הוּנָא: כָּל הָעוֹסֵק בַּתּוֹרָה בִּלְבַד – דּוֹמֶה כְּמִי שֶׁאֵין לוֹ אֱלוֹהַּ, שֶׁנֶּאֱמַר: ״וְיָמִים רַבִּים לְיִשְׂרָאֵל לְלֹא אֱלֹהֵי אֱמֶת״ וגו׳, מַאי ״לְלֹא אֱלֹהֵי אֱמֶת״? שֶׁכָּל הָעוֹסֵק בַּתּוֹרָה בִּלְבַד – דּוֹמֶה כְּמִי שֶׁאֵין לוֹ אֱלוֹהַּ.

The Gemara comments: **And** this is **in accordance with** a statement **of Rav Huna, as Rav Huna says: Anyone who occupies himself with Torah**[N] study **alone is considered like one who does not have a God. As it is stated: "Now for long seasons Israel was without the true God,** and without a teaching priest, and without the Torah" (II Chronicles 15:3). **What** is meant by "**without the true God"?** This teaches **that anyone who engages in Torah** study **alone is considered like one who does not have** a true **God.**

וּבִגְמִילוּת חֲסָדִים לָא עָסַק? וְהָתַנְיָא, רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר: לֹא יִתֵּן אָדָם מְעוֹתָיו לְאַרְנָקֵי שֶׁל צְדָקָה – אֶלָּא אִם כֵּן מְמוּנֶּה עָלָיו תַּלְמִיד חָכָם כְּרַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן! הֵימְנוּהּ הוּא דַּהֲוָה מְהֵימַן, מִיעֲבַד לָא עֲבַד.

The Gemara asks: **And** is it true that Rabbi Ḥanina ben Teradyon **did not engage in acts of charity? But isn't it taught** in a *baraita* that **Rabbi Eliezer ben Ya'akov says: A person should not donate his money to the charity purse** [*le'arnakei*][L] **unless a Torah scholar like Rabbi Ḥanina ben Teradyon is appointed** as supervisor **over it?**[H] The Gemara answers: **He was trusted** to distribute the charity with honesty and integrity, but he himself **did not perform** charitable acts.

וְהָתַנְיָא, אָמַר לוֹ: מָעוֹת שֶׁל פּוּרִים נִתְחַלְּפוּ לִי בְּמָעוֹת שֶׁל צְדָקָה וְחִלַּקְתִּים לָעֲנִיִּים! מִיעֲבַד עֲבַד, כְּדִבְעֵי לֵיהּ לָא עֲבַד.

The Gemara asks: **But isn't it taught** in a *baraita* that Rabbi Ḥanina ben Teradyon **said to** Rabbi Yosei ben Kisma: **I confused** my own **coins** that I needed **for** the festivities of **Purim**[N] **with coins of charity, and I distributed them** all **to the poor** at my own expense. How then can it be said that he never engaged in charitable acts? The Gemara responds: **He did perform** acts of charity, but **he did not perform as** many acts as **he should have,** in light of his wealth.

אַתְיוּהוּ לְרַבִּי אֶלְעָזָר בֶּן פְּרָטָא, אֲמַרוּ: מַאי טַעְמָא תָּנֵית, וּמַאי טַעְמָא גְּנַבְתְּ? אֲמַר לְהוּ: אִי סַיָּפָא לָא סַפְרָא, וְאִי סַפְרָא לָא סַיָּפָא, וּמִדְּהָא לֵיתָא הָא נַמִּי לֵיתָא. וּמַאי טַעְמָא קָרוּ לָךְ ״רַבִּי״? רַבָּן שֶׁל תַּרְסִים אֲנִי.

The Gemara returns to the description of the trial of the Sages. The Romans **brought Rabbi Elazar ben Perata** for his trial and **said: What is the reason** that **you taught** Torah, **and what is the reason** that **you stole,** as these were the crimes of which he was accused. Rabbi Elazar ben Perata **said to them: If one is an armed robber** [*sayafa*], **he is not a scholar** [*safra*], **and if one is a scholar he is not an armed robber,** i.e., I am accused of two mutually exclusive crimes; **and from** the fact **that this** characterization **is not** true, one may also conclude that **that** characterization **is also not** true. They asked him: **But** if you do not teach Torah, then **what is the reason** that **they call you rabbi?** He answered: **I am the master** [*rabban*] **of weavers** [*tarsiyyim*].[L]

LANGUAGE

Purse [*arnaki*] – **אַרְנָקִי:** From ἀρνακίς, *arnakis*, the Greek for sheepskin, meaning a kind of chest or pouch used to hold coins.

Weavers [*tarsiyyim*] – **תַּרְסִים:** In this context, *tarsiyyim* clearly means a weaver or an expert weaver. In other cases the same term refers to an entirely different profession. It is therefore likely that the source of this word, whether spelled with the Hebrew letter *tet* or *tav*, is the name of the city Tarsus. This ancient city, located in Asia Minor, existed during the period of the Assyrians, and in time it became a center of Greek culture and was renowned for its craftsmen. It is possible that various kinds of advanced trades were named after the city.

HALAKHA

Unless a Torah scholar is appointed over it – אֶלָּא אִם כֵּן מְמוּנֶּה עָלָיו תַּלְמִיד חָכָם: One should donate money to a charity fund only if he knows that the person who is in charge of supervising it is trustworthy, wise, and has the ability to run it properly (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 10:8; *Shulḥan Arukh*, *Yoreh De'a* 249:7).

NOTES

Anyone who occupies himself with Torah alone, etc. – כָּל הָעוֹסֵק בַּתּוֹרָה בִּלְבַד וכו׳: The proof from the verse is that it first states "without the true God," and only afterward "without the Torah." This indicates that one can be without a true God, even though he has the Torah (*Tosafot*).

Some explain that one who occupies himself with Torah alone is considered without a true God because, as Rabbi Ḥanina stated above, one who does not engage in charitable acts does not have the protection of God (Rashi). Others claim that one who occupies himself with Torah but does not follow its precepts is severely punished, as he is aware of what is required of him from God and yet does not act accordingly (Meiri). Alternatively, as God acts with charity, anyone who does not emulate this attribute evidently has no true God (Maharsha).

Confused my own coins that I needed for the festivities of Purim, etc. – מָעוֹת שֶׁל פּוּרִים נִתְחַלְּפוּ וכו׳: Some explain the situation as follows: Coins had been collected for the poor to use specifically on Purim, and Rabbi Ḥanina, mistakenly believing that they were designated for regular charity, distributed them to the poor. He subsequently made up the missing sum of money that was needed for the poor on Purim from his own funds (Rashi in his first explanation; *Tosafot*). *Tosafot* add that the great merit of this action is that even before Rabbi Ḥanina distributed the money, he realized his mistake and was aware that the coins were intended for the poor to use on Purim. As he did not want to disappoint the poor he still distributed the money, and he made up the missing sum at his own expense.

Alternatively, Rabbi Ḥanina is saying: I confused my own coins that I needed for the festivities of Purim with coins of charity, and I distributed them to the poor at my own expense, without reimbursing myself for the money that I accidentally gave to the poor (Rashi in his second explanation).

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אֲמַרוּ לֵיהּ תְּרֵי קִיבּוֹרֵי, אֲמַרוּ לֵיהּ: הֵי דְּשָׁתְיָא וְהֵי דְּעָרְבָא? אִיתְרְחֵישׁ לֵיהּ נִיסָּא, אָתְיָא זִיבּוּרְיְתָא אוֹתְיְבָא עַל דְּשָׁתְיָא וַאֲתַאי זִיבּוּרָא וִיתֵיב עַל דְּעָרְבָא, אֲמַר לְהוּ: הַאי דְּשָׁתְיָא וְהַאי דְּעָרְבָא.

In order to ascertain whether Rabbi Elazar ben Perata was in fact an expert weaver, **they brought him two coils** of wool and **said to him: Which is** the **warp, and which is** the **woof?** The threads used for each differ in their thickness and strength and would be immediately recognizable to an expert. **A miracle occurred,** as **a female hornet came** and **sat on** the coil **of warp, and a male hornet**[B] **came and sat on** the coil **of woof.** Rabbi Elazar ben Perata **said to them: This** is a coil **of warp, and that** is a coil **of woof.**[B] He realized that the male hornet was a sign that the coil was the woof, as the woof is threaded through the warp, while the warp, which is fixed in the loom and receives the woof, was the one on which the female hornet sat, as the female of a species receives the male.

אֲמַרוּ לֵיהּ: וּמַאי טַעְמָא לָא אֲתֵית לְבֵי אֲבִידָן? אֲמַר לְהוּ: זָקֵן הָיִיתִי וּמִתְיָירֵא אֲנִי שֶׁמָּא תִּרְמְסוּנִי בְּרַגְלֵיכֶם. [אֲמַרוּ]: וְעַד הָאִידָּנָא כַּמָּה סָבֵי אִיתְרְמוּס? אִתְרְחֵישׁ נִיסָּא, הַהוּא יוֹמָא אִירְמַס חַד סָבָא.

The Romans **said to him: And what is the reason** that **you did not come to the house of Abidan?**[B] This was a gathering place where debates on wisdom and faith were conducted. Rabbi Elazar ben Perata **said to them: I was old and feared** that **perhaps I would be trampled under your feet,** due to the huge crowds. The Romans **said: And until now, how many elders have been trampled** there, that you would be worried about such a possibility? The Gemara comments: **A miracle occurred,** and on **that day, one old man was trampled.**

וּמַאי טַעְמָא קָא שְׁבַקְתְּ עַבְדָּךְ לְחֵירוּת? אֲמַר לְהוּ: לֹא הָיוּ דְּבָרִים מֵעוֹלָם. קָם חַד [מִינַּיְיהוּ] לְאַסְהוּדֵי בֵּיהּ, אֲתָא אֵלְיָהוּ אִידְּמֵי לֵיהּ כְּחַד מֵחַשׁוּבֵי דְּמַלְכוּתָא, אֲמַר לֵיהּ: מִדְּאִתְרְחֵישׁ לֵיהּ נִיסָּא בְּכוּלְּהוּ – בְּהָא נַמִּי אִתְרְחֵישׁ לֵיהּ נִיסָּא, וְהַהוּא גַּבְרָא בִּישׁוּתֵיהּ הוּא דְּקָא אַחֲוֵי.

The Romans asked Rabbi Elazar ben Perata: **And what is the reason** that **you emancipated your slave?** Rabbi Elazar ben Perata **said to them: This matter never happened. One of them stood to testify against him,** and **Elijah came disguised as one of the of the Roman noblemen,** and he **said to** that individual: **From** the fact **that miracles occurred for** Rabbi Elazar ben Perata **in every** other case, **in this** instance **as well a miracle will occur for him, and that man,** i.e., you, **is** only **demonstrating his wickedness,** since you cannot succeed in your aim and are merely showing yourself to be desperate to cause harm.

וְלָא אַשְׁגַּח בֵּיהּ, קָם לְמֵימַר לְהוּ, הֲוָה כְּתִיבָא אִיגַּרְתָּא דַּהֲוָה כָּתֵיב מֵחֲשִׁיבֵי דְּמַלְכוּת לְשַׁדּוּרֵי לְבֵי קֵיסָר, וּשְׁדַרוּהָ עַל יְדֵיהּ דְּהַהוּא גַּבְרָא, אֲתָא אֵלְיָהוּ פָּתְקֵיהּ אַרְבַּע מְאָה פַּרְסֵי, אֲזַל וְלָא אֲתָא.

But the man **paid him no heed,** and he **stood to say** his testimony **to them.** At that time **there was a written letter that was composed by** some **of the** most **important people of** the Roman **Empire** in order **to send** it **to the Emperor's court, and they** had **sent it in the possession of that man,** i.e., the potential witness. **Elijah came** and **threw it** a distance of **four hundred parasangs.** The man **went and did not come** back, and therefore all the charges against Rabbi Elazar ben Perata were dropped.

BACKGROUND

Hornet – זִיבּוּרָא: The hornet mentioned here is presumably the large hornet found in Eretz Yisrael, *Vespa orientalis*. In this particular species it is easy to differentiate between the males and the females, as the male drones are larger than the females, which serve as workers.

This is a coil of warp and that is a coil of woof – הַאי דְּשָׁתְיָא וְהַאי דְּעָרְבָא: The threads of warp and of woof, also called weft, are not identical. Since the warp thread holds together the fabric while it is woven, these threads are designed to be thinner and stronger than those of the woof, which are wider and less processed. The ability to differentiate between these two types of threads is the most basic test of one's knowledge of weaving.

Warp and woof

House of Abidan [*bei Avidan*] – בֵּי אֲבִידָן: *Bei Avidan* is mentioned in several places in the Talmud. There are numerous explanations of both the source of the term and its precise reference. Despite the many suggestions that credit a Greek source, Persian source, or some other language, it is probably a Hebrew or Aramaic term. Some explain that Abidan is the name of a person or deity, while others posit that it the original name has been changed in order to suggest the concept of destruction [*avdan*] and annihilation.

According to Rabbeinu Ḥananel, *bei Avidan* is referring to a type of chamber situated in a house of idol worship, where scholars would sit and discuss matters of wisdom and religion. Apparently, due to the location of this chamber, the participants in the discussion, and the subjects that were debated, the Sages refrained from participating in these gatherings even when they were invited to join.

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BACKGROUND

They immediately sentenced him to death by means of burning – גָּזְרוּ עָלָיו לִשְׂרֵיפָה: Death by burning was certainly not a usual form punishment, especially in the city of Rome. Yet, it was listed in the penal laws of Rome. These harsh punishments: Death by burning for the principal offender, death by execution for his wife who served as an accomplice, and the placing of his unmarried daughter in a brothel, were probably the kinds of punishments administered to those who were found guilty of serious crimes, including those suspected of sorcery.

אֲתִיוּהוּ לְרַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן, אֲמָרוּ לֵיהּ: אַמַּאי קָא עָסַקְתְּ בְּאוֹרַיְיתָא? אֲמַר לְהוּ: ״כַּאֲשֶׁר צִוַּנִי ה׳ אֱלֹהָי״. מִיָּד גָּזְרוּ עָלָיו לִשְׂרֵיפָה, וְעַל אִשְׁתּוֹ לַהֲרִיגָה, וְעַל בִּתּוֹ לֵישֵׁב בְּקוּבָּה שֶׁל זוֹנוֹת. עָלָיו לִשְׂרֵיפָה – שֶׁהָיָה

The Romans **brought Rabbi Ḥanina ben Teradyon** for judgment, and they **said to him: Why did you occupy yourself with the Torah?** Rabbi Ḥanina ben Teradyon **said to them,** citing a verse: **"As the Lord my God commanded me"** (Deuteronomy 4:5). **They immediately sentenced him to** death by means of **burning,**[B] **and** they sentenced **his wife to execution** by decapitation, **and his daughter** was condemned **to sit in a brothel** [***kubba shel zonot***].[L] The Gemara explains the Divine decree that he should receive this punishment: **He** was sentenced **to** death by **burning, as he would**

LANGUAGE

Brothel [*kubba shel zonot*] – קוּבָּה שֶׁל זוֹנוֹת: The word *kubba* appears in the Torah (see Numbers 25:8) and is usually understood to be referring to a type of tent or chamber. Some maintain, based on a comparison to other Semitic languages, that the word *kubba* has the explicit connotation of prostitution. If so, in Numbers 25:8 it also means the place where prostitution takes place, which fits the context of the story there.

Perek **I**
Daf **18** Amud **a**

NOTES

Pronounced the name – הוֹגֶה אֶת הַשֵּׁם: He pronounced the ineffable name of God, which is composed of forty-two letters, and with its power he was able to perform many miracles (Rashi). Others explain that he pronounced the four-letter name of God as it is written, rather than saying *Adonai*, as this name is usually pronounced (*Tosafot*), or he pronounced each letter of God's name, one after the other (Rabbeinu Elḥanan).

In public – בְּפַרְהֶסְיָא: Some explain that it is prohibited to pronounce God's name in public because it would be heard by ignoramuses and unworthy people (Rashi on tractate *Sanhedrin* 101b). Others suggest that listeners would not realize that he was saying the name in order to teach himself its correct pronunciation, and they would learn from him that it is permitted to show disrespect to God's name (Ra'avad).

Tramples with one's heel – דָּשׁ בַּעֲקֵבָיו: This refers to the sins that one commits while walking, as in the case here of this young woman who stepped in a pleasing manner (Rashi's first explanation). Alternatively, Rashi suggests that this is referring to matters that people regard as insignificant, and which they metaphorically trample with their heels.

הוֹגֶה אֶת הַשֵּׁם בְּאוֹתִיּוֹתָיו. וְהֵיכִי עָבֵיד הָכִי? וְהָתְנַן, אֵלּוּ שֶׁאֵין לָהֶם חֵלֶק לָעוֹלָם הַבָּא: הָאוֹמֵר אֵין תּוֹרָה מִן הַשָּׁמַיִם, וְאֵין תְּחִיַּית הַמֵּתִים מִן הַתּוֹרָה; אַבָּא שָׁאוּל אוֹמֵר: אַף הַהוֹגֶה אֶת הַשֵּׁם בְּאוֹתִיּוֹתָיו!

pronounce the ineffable **name**[N] of God **with** all of **its letters,** i.e., as it is spelled. The Gemara asks: **And how could he do that? But didn't we learn** in the mishna (*Sanhedrin* 90a): **These** are the people **who have no share in the World-to-Come:**[H] **One who says** that **the Torah is not from Heaven or** that **there is no** source **from the Torah** for **the resurrection of the dead. Abba Shaul says: Also one who pronounces the** ineffable **name** as it is written, **with** all of **its letters,** has no share in the World-to-Come.

לְהִתְלַמֵּד עָבַד, כִּדְתַנְיָא: ״לֹא תִלְמַד לַעֲשׂוֹת״ – אֲבָל אַתָּה לָמֵד לְהָבִין וּלְהוֹרוֹת.

The Gemara answers: Rabbi Ḥanina ben Teradyon **did it to teach himself, as it is taught** in a *baraita* with regard to the prohibition against sorcery: **"You shall not learn to do"** (Deuteronomy 18:9); this indicates: **But you may learn to understand and to teach.** In other words, certain prohibitions do not apply when one is acting only in order to acquire knowledge of the subject.

אֶלָּא מַאי טַעְמָא אִעֲנַשׁ? מִשּׁוּם הוֹגֶה אֶת הַשֵּׁם בְּפַרְהֶסְיָא דְּהָוֵי. וְעַל אִשְׁתּוֹ לַהֲרִיגָה, דְּלָא מִיחָה בֵּיהּ. מִכָּאן אָמְרוּ: כָּל מִי שֶׁיֵּשׁ בְּיָדוֹ לִמְחוֹת, וְאֵינוֹ מוֹחֶה – נֶעֱנָשׁ עָלָיו.

The Gemara asks: **Rather, what is the reason** that **he was punished?** The Gemara answers: He was punished **because he would pronounce the** ineffable **name** of God **in public,**[N] instead of privately. **And his wife** was condemned **to execution** by decapitation **because she did not protest his** doing so. **From here** the Sages **stated: Anyone who has the capability to protest**[H] effectively the sinful conduct of another **and does not protest is punished for** that person's sin.

וְעַל בִּתּוֹ לֵישֵׁב בְּקוּבָּה שֶׁל זוֹנוֹת, דְּאָמַר רַבִּי יוֹחָנָן: פַּעַם אַחַת הָיְתָה בִּתּוֹ מְהַלֶּכֶת לִפְנֵי גְּדוֹלֵי רוֹמִי, אָמְרוּ: כַּמָּה נָאוֹת פְּסִיעוֹתֶיהָ שֶׁל רִיבָה זוֹ, מִיָּד דִּקְדְּקָה בִּפְסִיעוֹתֶיהָ. וְהַיְינוּ דְּאָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ, מַאי דִּכְתִיב: ״עֲוֹן עֲקֵבַי יְסוֹבֵנִי״? עֲוֹנוֹת שֶׁאָדָם דָּשׁ בַּעֲקֵבָיו בָּעוֹלָם הַזֶּה – מְסוּבִּין לוֹ לְיוֹם הַדִּין.

The Gemara asks: **And** why was **his daughter** condemned **to sit in a brothel? As Rabbi Yoḥanan says: Once, the daughter of** Rabbi Ḥanina ben Teradyon **was walking before the nobles of Rome,** and they **said** to each other: **How pleasant are the steps of this young woman.** Upon hearing this, **she immediately took care** to keep walking in such a fashion that **her steps** would continue to be pleasing to them. **And this is** the same as that **which Rabbi Shimon ben Lakish says: What** is the meaning of that **which is written: "The iniquity of my heel encircles me"** (Psalms 49:6)? It means that **the sins that a person tramples with one's heel**[N] **in this world,** i.e., dismisses and pays no attention to them as they seem to lack importance, e.g., the way that one walks, come and **encircle him on the Day of Judgment.**

HALAKHA

These are the people who have no share in the World-to-Come – אֵלּוּ שֶׁאֵין לָהֶם חֵלֶק לָעוֹלָם הַבָּא: Heretics, apostates, those who deny the Torah, and those who deny the resurrection of the dead, have no share in the World-to-Come. The category of those who deny the Torah includes anyone who says that the Torah is not of Divine origin, even if he is referring only to one verse or even to a single word. The Rambam does not include one who pronounces the ineffable name with all of its letters in his list of those who have no share in the World-to-Come, probably because he holds that this is an individual opinion, which is not accepted as *halakha* (Rambam *Sefer HaMadda*, *Hilkhot Teshuva* 3:8, and see *Sefer Ahava*, *Hilkhot Tefilla* 14:10).

Anyone who has the capability to protest, etc. – כָּל מִי שֶׁיֵּשׁ בְּיָדוֹ לִמְחוֹת וכו׳: Anyone who has the capability to protest effectively the sinful conduct of another and fails to do so is punished for the sin committed by the other (Rambam *Sefer HaMadda*, *Hilkhot Deot* 6:7, and see *Hilkhot Teshuva* 4:1).

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בְּשָׁעָה שֶׁיָּצְאוּ שְׁלָשְׁתָּן – צִדְּקוּ עֲלֵיהֶם אֶת הַדִּין, הוּא אָמַר: ״הַצּוּר תָּמִים פָּעֳלוֹ״ [וגו׳], וְאִשְׁתּוֹ אָמְרָה: ״אֵל אֱמוּנָה וְאֵין עָוֶל״, בִּתּוֹ אָמְרָה: ״גְּדֹל הָעֵצָה וְרַב הָעֲלִילִיָּה אֲשֶׁר עֵינֶיךָ פְּקֻחוֹת עַל כָּל דַּרְכֵי״ וגו׳. אָמַר רַבִּי: [כַּמָּה] גְּדוֹלִים צַדִּיקִים הַלָּלוּ, שֶׁנִּזְדַּמְּנוּ לָהֶן שָׁלֹשׁ מִקְרָאוֹת שֶׁל צִדּוּק הַדִּין בִּשְׁעַת צִדּוּק הַדִּין.

The Gemara relates: **When the three of them went out** after being sentenced, **they accepted the** justice of God's **judgment.** Rabbi Ḥanina ben Teradyon **said: "The Rock, His work is perfect;** for all His ways are justice" (Deuteronomy 32:4). **And his wife said** the continuation of the verse: **"A God of faithfulness and without iniquity." His daughter said: "Great in counsel, and mighty in work; whose eyes are open upon all the ways** of the sons of men, to give every one according to his ways" (Jeremiah 32:19). **Rabbi** Yehuda HaNasi **said: How great are these righteous people, that** these **three verses,** which speak **of** the **acceptance of** God's **judgment, occurred to them at the time of accepting the** righteousness of His **judgment.**

תָּנוּ רַבָּנָן: כְּשֶׁחָלָה רַבִּי יוֹסֵי בֶּן קִיסְמָא, הָלַךְ רַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן לְבַקְּרוֹ. אָמַר לוֹ: חֲנִינָא אָחִי, (אָחִי) א�י אַתָּה יוֹדֵעַ שֶׁאוּמָּה זוֹ מִן הַשָּׁמַיִם הִמְלִיכוּהָ? שֶׁהֶחֱרִיבָה אֶת בֵּיתוֹ וְשָׂרְפָה אֶת הֵיכָלוֹ, וְהָרְגָה אֶת חֲסִידָיו וְאִבְּדָה אֶת טוֹבָיו, וַעֲדַיִן הִיא קַיֶּמֶת, וַאֲנִי שָׁמַעְתִּי עָלֶיךָ שֶׁאַתָּה יוֹשֵׁב וְעוֹסֵק בַּתּוֹרָה [וּמַקְהִיל קְהִלּוֹת בָּרַבִּים] וְסֵפֶר מוּנָּח לְךָ בְּחֵיקֶךָ!

§ **The Sages taught: When Rabbi Yosei ben Kisma**[P] **fell ill, Rabbi Ḥanina ben Teradyon went to visit him.** Rabbi Yosei ben Kisma **said to him: Ḥanina my brother, do you not know that this nation has been given reign by** a decree from **Heaven?** The proof is **that** Rome has **destroyed** God's **Temple, and burned His Sanctuary, and killed His pious ones, and destroyed His best ones, and it still exists.** Evidently, all of this is by Divine decree. **And** yet **I heard about you that you sit and engage in Torah** study, **and convene assemblies in public, and have** a Torah **scroll placed in your lap,** thereby demonstrating complete disregard for the decrees issued by the Romans.

אָמַר לוֹ: מִן הַשָּׁמַיִם יְרַחֲמוּ. אָמַר לוֹ: אֲנִי אוֹמֵר לְךָ דְּבָרִים שֶׁל טַעַם, וְאַתָּה אוֹמֵר לִי ״מִן הַשָּׁמַיִם יְרַחֲמוּ״, תָּמֵהַּ אֲנִי אִם לֹא יִשְׂרְפוּ אוֹתְךָ וְאֶת סֵפֶר תּוֹרָה בָּאֵשׁ! אָמַר לוֹ: רַבִּי, מָה אֲנִי לְחַיֵּי הָעוֹלָם הַבָּא?

Rabbi Ḥanina ben Teradyon **said to him: Heaven will have mercy** and protect me. Rabbi Yosei ben Kisma **said to him: I am saying reasonable matters to you, and you say to me: Heaven will have mercy? I wonder if** the Romans **will not burn** both **you and** your **Torah scroll by fire.** Rabbi Ḥanina ben Teradyon **said to him: My teacher, what** will become of **me?** Am I destined **for life in the World-to-Come?**

אָמַר לוֹ: כְּלוּם מַעֲשֶׂה בָּא לְיָדְךָ? אָמַר לוֹ: מָעוֹת שֶׁל פּוּרִים נִתְחַלְּפוּ לִי בְּמָעוֹת שֶׁל צְדָקָה וְחִלַּקְתִּים לָעֲנִיִּים, אָמַר לוֹ: אִם כֵּן, מֶחְלְקֵךְ יְהִי חֶלְקִי וּמִגּוֹרָלְךָ יְהִי גּוֹרָלִי.

Rabbi Yosei ben Kisma **said to him: Did any** special **incident occur to you** which might serve as an indication? Rabbi Ḥanina ben Teradyon **said to him: I confused** my own **coins** that I needed **for** the festivities of **Purim with coins of charity, and I distributed them** all **to the poor** at my own expense. Rabbi Yosei ben Kisma **said to him: If** that is **so, may my portion be of your portion, and may my lot be of your lot.**

אָמְרוּ: לֹא הָיוּ יָמִים מוּעָטִים עַד שֶׁנִּפְטַר רַבִּי יוֹסֵי בֶּן קִיסְמָא, וְהָלְכוּ כָּל גְּדוֹלֵי רוֹמִי לְקָבְרוֹ וְהִסְפִּידוּהוּ הֶסְפֵּד גָּדוֹל, וּבַחֲזָרָתָן מְצָאוּהוּ לְרַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן שֶׁהָיָה יוֹשֵׁב וְעוֹסֵק בַּתּוֹרָה וּמַקְהִיל קְהִלּוֹת בָּרַבִּים וְסֵפֶר תּוֹרָה מוּנָּח לוֹ בְּחֵיקוֹ.

The Sages **said: Not** even **a few days** passed **before Rabbi Yosei ben Kisma died** of his illness, **and all of the Roman notables went to bury him, and** they **eulogized him** with **a great eulogy. And upon their return, they found Rabbi Ḥanina ben Teradyon, who was sitting and engaging in Torah** study **and convening assemblies in public, with a Torah scroll placed in his lap.**

הֵבִיאוּהוּ וּכְרָכוּהוּ בְּסֵפֶר תּוֹרָה, וְהִקִּיפוּהוּ בַּחֲבִילֵי זְמוֹרוֹת וְהִצִּיתוּ בָּהֶן אֶת הָאוּר, וְהֵבִיאוּ סְפוֹגִין שֶׁל צֶמֶר וּשְׂרָאוּם בְּמַיִם וְהִנִּיחוּם עַל לִבּוֹ, כְּדֵי שֶׁלֹּא תֵּצֵא נִשְׁמָתוֹ מְהֵרָה. אָמְרָה לוֹ בִּתּוֹ: אַבָּא, אֶרְאֶה בְּכָךְ? אָמַר לָהּ: אִילְמָלֵי אֲנִי נִשְׂרָפְתִּי לְבַדִּי, הָיָה הַדָּבָר קָשֶׁה לִי. עַכְשָׁיו שֶׁאֲנִי נִשְׂרָף וְסֵפֶר תּוֹרָה עִמִּי, מִי שֶׁמְּבַקֵּשׁ עֶלְבּוֹנָהּ שֶׁל סֵפֶר תּוֹרָה הוּא יְבַקֵּשׁ עֶלְבּוֹנִי.

They brought him to be sentenced, **and wrapped him in the Torah scroll, and encircled him with bundles of branches, and they set fire to it. And they brought tufts of wool and soaked them in water, and placed them on his heart, so that his soul should not leave** his body **quickly,** but he would die slowly and painfully. **His daughter said to him: Father, must I see you like this?** Rabbi Ḥanina ben Teradyon **said to her: If I alone were being burned, it would be difficult for me,** but **now that I am burning along with a Torah scroll, He who will seek** retribution for **the insult** accorded **to the Torah scroll will also seek** retribution for **the insult** accorded **to me.**

אָמְרוּ לוֹ תַּלְמִידָיו: רַבִּי, מָה אַתָּה רוֹאֶה? אָמַר לָהֶן: גְּלָיוֹן נִשְׂרָפִין וְאוֹתִיּוֹת פּוֹרְחוֹת. אַף אַתָּה פְּתַח פִּיךָ וְתִכָּנֵס בְּךָ הָאֵשׁ! אָמַר לָהֶן: מוּטָב שֶׁיִּטְּלֶנָּה מִי שֶׁנְּתָנָהּ וְאַל יְחַבֵּל הוּא בְּעַצְמוֹ.

His students said to him: Our **teacher, what do you see?** Rabbi Ḥanina ben Teradyon **said to them:** I see the **parchment burning, but** its **letters are flying** to the heavens.[N] They said to him: **You too should open your mouth and the fire will enter you,** and you will die quickly. Rabbi Ḥanina ben Teradyon **said to them: It is preferable that He who gave** me my soul **should take it away, and one should not harm oneself** to speed his death.

PERSONALITIES

Rabbi Yosei ben Kisma – רַבִּי יוֹסֵי בֶּן קִיסְמָא: Rabbi Yosei ben Kisma was a fifth-generation *tanna*, from the same generation as Rabbi Akiva's disciples. Apparently, Rabbi Yosei ben Kisma lived in Tiberias, where he taught Torah. It is known that he had a son named Rabbi Yoḥanan. There are no records of Rabbi Yosei's halakhic rulings, but several aggadic statements are cited in his name in the Talmud and elsewhere. Various sources indicate that he was considered a holy man who could foretell the future, and this is presumably the reason that Rabbi Ḥanina ben Teradyon consulted with him. From his comments to Rabbi Ḥanina ben Teradyon, as well as from the fact that the Roman dignitaries participated in his funeral, it is apparent that he was on good terms with the Roman government.

NOTES

I see the parchment burning, but its letters are flying to the heavens – גְּלָיוֹן נִשְׂרָפִין וְאוֹתִיּוֹת פּוֹרְחוֹת: The meaning of the question posed by the students was how Rabbi Ḥanina ben Teradyon foresaw the future of the Jewish people, given the decrees against their religion and belief. Rabbi Ḥanina's reply was that those attacks were against the physical Torah and their impact was only superficial. The conceptual content of the Torah cannot be burned, but would continue to exist and thrive forever (*Midrash Shlomo*).

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אָמַר לוֹ קַלְצָטוֹנִירִי: רַבִּי, אִם אֲנִי מַרְבֶּה בַּשַּׁלְהֶבֶת וְנוֹטֵל סְפוֹגִין שֶׁל צֶמֶר מֵעַל לִבּוֹ, אַתָּה מְבִיאֵנִי לְחַיֵּי הָעוֹלָם הַבָּא? אָמַר לוֹ: הֵן. הִשָּׁבַע לִי! נִשְׁבַּע לוֹ. מִיָּד הִרְבָּה בַּשַּׁלְהֶבֶת וְנָטַל סְפוֹגִין שֶׁל צֶמֶר מֵעַל לִבּוֹ, יָצְאָה נִשְׁמָתוֹ בְּמְהֵרָה. אַף הוּא קָפַץ וְנָפַל לְתוֹךְ הָאוּר.

The executioner [*kaltzatoniri*]L **said to him: My teacher, if I increase the flame and take off the tufts of wool from your heart,** so that you will die sooner and suffer less, **will you bring me to the life of the World-to-Come?** Rabbi Ḥanina ben Teradyon **said to** the executioner: **Yes.** The executioner said: **Take an oath for me,** that what you say is true. Rabbi Ḥanina ben Teradyon **took** the **oath for him,** and the executioner **immediately increased the flame and took off the tufts of wool from his heart,** causing **his soul** to **leave** his body **quickly.** The executioner **too leaped and fell into the fire** and died.

יָצְאָה בַּת קוֹל וְאָמְרָה: רַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן וְקַלְצָטוֹנִירִי מְזוּמָנִין הֵן לְחַיֵּי הָעוֹלָם הַבָּא. בָּכָה רַבִּי וְאָמַר: יֵשׁ קוֹנֶה עוֹלָמוֹ בְּשָׁעָה אַחַת, וְיֵשׁ קוֹנֶה עוֹלָמוֹ בְּכַמָּה שָׁנִים.

A Divine Voice emerged and said: Rabbi Ḥanina ben Teradyon and the executioner are destined for the life of the World-to-Come. Upon hearing this, **Rabbi** Yehuda HaNasi **wept and said: There is** one who **acquires his** share in the **World**-to-Come **in one moment,** such as the executioner, **and there is** one who **acquires his** share in the **World**-to-Come only **after many years** of toil, such as Rabbi Ḥanina ben Teradyon.

בְּרוּרְיָא דְּבֵיתְהוּ דְּרַבִּי מֵאִיר, בְּרַתֵּיהּ דְּרַבִּי חֲנִינָא בֶּן תְּרַדְיוֹן הֲוַאי, אָמְרָה לוֹ: זִילָא בְּי מִלְּתָא דְּיָתְבָא אַחֲתַאי בְּקוּבְּה שֶׁל זוֹנוֹת. שְׁקַל תַּרְקָבָא דְּדִינָרֵי וַאֲזַל, אֲמַר: אִי לָא אִיתְעֲבִיד בָּהּ אִיסּוּרָא מִיתְעֲבִיד נִיסָּא, אִי עֲבַדָה אִיסּוּרָא לָא אִיתְעֲבִיד לָהּ נִיסָּא.

§ The Gemara relates: **Berurya, the wife of Rabbi Meir, was a daughter of Rabbi Ḥanina ben Teradyon. She said to** Rabbi Meir: **It is a disrespectful matter for me that my sister is sitting in a brothel;** you must do something to save her. Rabbi Meir **took a vessel** [*tarkeva*]L full **of dinars and went. He said** to himself: **If no transgression was committed with her, a miracle will be performed** for her; **if she committed a transgression, no miracle will be performed for her.**

אֲזַל נְקַט נַפְשֵׁיהּ כְּחַד פָּרָשָׁא, אֲמַר לָהּ: הַשְׁמִיעֵנִי לִי, אֲמָרָה לֵיהּ: דַּשְׁתָּנָא אֲנָא. אֲמַר לָהּ: מִתְרַחֲנָא מִרַחֲתַּ, אֲמָרָה לוֹ: נְפִישִׁין טוּבָא, וְאִיכָּא טוּבָא הָכָא דְּשַׁפִּירָן מִינַּאי. אֲמַר: שְׁמַע מִינָּהּ לָא עֲבַדָה אִיסּוּרָא, כָּל דְּאָתֵי אָמְרָה לֵיהּ הָכִי.

Rabbi Meir **went and dressed as** a Roman **knight,** and **said to her: Accede to my** wishes, i.e., engage in intercourse with me. **She said to him: I am menstruating** [*dashtana*]L and cannot. **He said to her: I will wait. She said to him: There are many** women in the brothel, **and there are many** women **here who are more beautiful than I. He said** to himself: I can **conclude from** her responses that **she did not commit a transgression,** as **she** presumably **said this to all who come.**

אֲזַל לְגַבֵּי שׁוֹמֵר דִּידָהּ, אֲמַר לֵיהּ: הַבָּהּ נִיהֲלָהּ. אֲמַר לֵיהּ: מִיסְתַּפֵּינָא מִמַּלְכוּתָא. אֲמַר לֵיהּ: שְׁקוֹל תַּרְקָבָא דְּדִינָרָא, פַּלְגָא פְּלַח וּפַלְגָא לֶהֱוֵי לָךְ. אֲמַר לֵיהּ: וְכִי שַׁלְמִי, מַאי אִיעֲבִיד? אֲמַר לֵיהּ: אֵימָא "אֱלָהָא דְּמֵאִיר עֲנֵנִי" וּמִתַּצַּלְתְּ. אֲמַר לֵיהּ:

Rabbi Meir went over to her guard, and **said to him: Give her** to me. The guard **said to him: I fear** that if I do so, I will be punished **by the government.** Rabbi Meir **said to him: Take** this **vessel** full **of dinars; give half**N to the government as a bribe, **and half will be for you.** The guard **said to him: But when** the money **is finished, what shall I do?** Rabbi Meir **said to him: Say: God of Meir answer me! And you will be saved.** The guard **said to him:**

Perek **I**
Daf **18** Amud **b**

וּמִי יֵימַר דְּהָכִי אִיכָּא? [אֲמַר לֵיהּ: הָשְׁתָּא חָזֵית.] הָווּ הָנְהוּ כַּלְבֵי דְּהָווּ קָא אָכְלִי אֱינָשֵׁי, שְׁקַל קָלָא שְׁדָא בְּהוּ, הָווּ קָאָתוּ לְמֵיכְלֵיהּ, אֲמַר: "אֱלָהָא דְּמֵאִיר עֲנֵנִי"! שְׁבַקוּהּ, וְיָהֲבָהּ לֵיהּ.

And who can say that this is the case, that I will be saved by this utterance? Rabbi Meir **said to him: You will now see. There were these** carnivorous **dogs that would devour people;** Rabbi Meir **took a clod** of earth, **threw** it **at them,** and when **they came to devour him, he said: God of Meir answer me!** The dogs then **left him** alone, **and** after seeing this the guard **gave** the daughter of Rabbi Ḥanina ben Teradyon **to** Rabbi Meir.

לְסוֹף אִשְׁתְּמַע מִילְּתָא בֵּי מַלְכָּא, אַתְיוּהּ אַסְקוּהּ לְזִקִּיפָה, אֲמַר: "אֱלָהָא דְּמֵאִיר עֲנֵנִי"! אַחְתּוּהּ. אֲמַרוּ לֵיהּ: מַאי הַאי? אֲמַר לְהוּ: הָכִי הֲוָה מַעֲשֶׂה.

Ultimately the matter was heard in **the king's court,** and the guard, who **was brought and taken to be hanged, said: God of Meir answer me!** They then **lowered him down,** as they were unable to hang him. **They said to him: What is this? He said to them: This was the incident** that occurred, and he proceeded to relate the entire story to them.

LANGUAGE

Executioner [*kaltzatoniri*] – קַלְצָטוֹנִירִי: Apparently from the Greek κολαστήρ, *kolaster*, meaning the one responsible for inflicting punishment on criminals through various means, ranging from beatings to executions.

Vessel [*tarkeva*] – תַּרְקָבָא: This is referring to a measuring vessel with a capacity of a *se'a*. The early commentaries claim that it is a contraction of the words *trei ve'kav*, i.e., two *kav* and another *kav*, equaling three *kav*. In fact, the term is probably derived from the Greek τρίκαβος, *trikabos*, meaning three *kav*.

Menstruating [*dashtana*] – דַּשְׁתָּנָא: From the Persian daštān, which means menstruation or a menstruating woman.

NOTES

Give half – פַּלְגָא פְּלַח: Some commentaries explain that this money was to be given as a bribe in case he was accused of releasing her (Rashi). Others suggest that the guard might have been obligated to pay a tax for every prostitute held there, and therefore Rabbi Meir gave him the money for the tax (*Tosafot*).

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אָתוּ חֲקָקוּ לְדִמּוּתֵיהּ דְּרַבִּי מֵאִיר אַפִּיתְחָא דְּרוֹמִי, אָמְרִי: כָּל דְּחָזֵי לְפַרְצוּפָא הָדֵין לַיְיתֵיהּ. יוֹמָא חָדָא חֲזִיוּהִי, רְהַט אַבַּתְרֵיהּ, רְהַט מִקַּמַּיְיהוּ, עַל לְבֵי זוֹנוֹת. אִיכָּא דְּאָמְרִי: בִּשּׁוּלֵי גּוֹיִם חָזָא, טְמַשׁ בֵּהּ וּמְתַק בֵּהּ. אִיכָּא דְּאָמְרִי: אֲתָא אֵלְיָהוּ אִדְּמֵי לְהוּ כְּזוֹנָה, כְּרַכְתֵּיהּ; אָמְרִי: חַס וְשָׁלוֹם, אִי רַבִּי מֵאִיר הָווֹ, לָא הֲווֹ עָבְדִי הָכִי.

They then **went** and **engraved the image of Rabbi Meir at the entrance of Rome** where it would be seen by everyone, and they **said: Anyone who sees** a man with **this face should bring him** here. **One day,** Romans **saw** Rabbi Meir and **ran after him,** and **he ran away from them** and **entered a brothel** to hide. **Some say** he then escaped capture because **he saw** food **cooked by gentiles** and **dipped** [*temash*][L] **this** finger **in** the food **and tasted** it **with that** other finger, and thereby fooled them into thinking that he was eating their food, which they knew Rabbi Meir would not do. And **some say** that he escaped detection because **Elijah came, appeared to them as a prostitute** and **embraced** Rabbi Meir. The Romans who were chasing him **said: Heaven forbid, if this were Rabbi Meir, he would not act** in **that** manner.

קָם עֲרַק אֲתָא לְבָבֶל. אִיכָּא דְּאָמְרִי: מֵהַאי מַעֲשֶׂה, וְאִיכָּא דְּאָמְרִי: מִמַּעֲשֶׂה דְּבְרוּרְיָא.

Rabbi Meir **arose, fled,** and **arrived in Babylonia.** The Gemara notes: **There are** those **who say** that he fled because **of this incident, and there are** those **who say** that he fled due to embarrassment **from the incident involving** his wife **Berurya.**[B]

תָּנוּ רַבָּנַן: הַהוֹלֵךְ לְאִיצְטַדְיִנִין וּלְכַרְקוֹם, וְרָאָה שָׁם אֶת הַנַּחָשִׁים וְאֶת הַחַבָּרִין, בּוּקְיוֹן וּמוּקְיוֹן וּמוּלְיוֹן וְלוּלְיוֹן, בְּלוּרִין סַלְגּוּרִין – הֲרֵי זֶה מוֹשַׁב לֵצִים, וְעֲלֵיהֶם הַכָּתוּב אוֹמֵר: ״אַשְׁרֵי הָאִישׁ אֲשֶׁר לֹא הָלַךְ וגו׳ כִּי אִם בְּתוֹרַת ה׳ חֶפְצוֹ״, הָא לָמַדְתָּ, שֶׁדְּבָרִים הַלָּלוּ מְבִיאִין אֶת הָאָדָם לִידֵי בִּיטּוּל תּוֹרָה.

§ **The Sages taught:** With regard to **one who goes to stadiums** [*le'itztadinin*] where people are killed in contests with gladiators or beasts, **or to a camp of besiegers** [*ulkharkom*][L] where different forms of entertainment are provided for the besieging army, **and** he **sees there** the acts of **the diviners and those who cast spells,**[B] or the acts of the clowns known as ***bukiyon,***[L] **or *mukiyon,***[L] **or *muliyon,***[L] **or *luliyon,***[L] or ***belurin,***[L] or ***salgurin,***[L] **this is** categorized as **"the seat of the scornful"; and with regard to** such places **the verse states: "Happy is the man that has not walked** in the council of the wicked, nor stood in the way of sinners, nor sat in the seat of the scornful. **But his delight is in the Torah of the Lord"** (Psalms 1:1–2). **You learn** from here **that these matters bring a person to dereliction** of the study **of Torah,** since had he not sat in "the seat of the scornful," he would delight in the study of Torah.

וּרְמִינְהִי: [הוֹלְכִין] לְאִיצְטַדְיִנִין מוּתָּר – מִפְּנֵי שָׁצוֹוֵחַ וּמַצִּיל, וּלְכַרְקוֹם מוּתָּר – מִפְּנֵי יִשּׁוּב מְדִינָה, וּבִלְבַד שֶׁלֹּא יִתְחַשֵּׁב עִמָּהֶם, וְאִם נִתְחַשֵּׁב עִמָּהֶם – אָסוּר; קַשְׁיָא אִיצְטַדְיִנִין אַאִיצְטַדְיִנִין, קַשְׁיָא כַּרְקוֹם אַכַּרְקוֹם!

And the Gemara **raises a contradiction** from another *baraita*: **One is permitted** to **go to stadiums, because he can scream and save** the life[B] of a Jew who would otherwise be killed there; **and it is permitted** to go **to a camp of besiegers, because** at times one can provide for the public **welfare** by petitioning the besiegers and saving the residents of the **town, provided that he is not counted** as one **of them;**[N] **but if he is counted** as one **of them, it is prohibited.** This is **difficult,** as there is a contradiction between the statement about attending **stadiums** in the first *baraita* and the statement **about** attending **stadiums** in the second *baraita*, and is similarly **difficult** as there is a contradiction between the statement about **a camp of besiegers** in the first *baraita* and the statement **about a camp of besiegers** in the second *baraita*.

LANGUAGE

Dipped [*temash*] – **טְמַשׁ:** An Aramaic term meaning to dip a food item into a liquid.

Camp of besiegers [*karkom*] – **כַּרְקוֹם:** From the Greek χαράκωμα, *kharakoma*, meaning a fortified camp or the wall built by an army while laying siege to a town.

***Bukiyon* – בּוּקְיוֹן:** Possibly from the Greek form of the name Bucco, βουκκίων, *Boukkion*, the name of the clown character in certain comic plays.

Roman mosaic of tragic and comic masks

***Mukiyon* – מוּקְיוֹן:** Possibly from the Latin maccus, meaning a buffoon.

***Muliyon* – מוּלְיוֹן:** Some claim that this is related to the Latin mulio, meaning a mule. If so, *muliyon* refers to a mule driver, a character that appears at times in various Roman comedies.

***Luliyon* – לוּלְיוֹן:** Some believe that this originates from the Greek λάλος, *lalos*, meaning a chatterbox or prattler. The term *luliyon* possibly refers to clowns who would amuse the public in theatres.

***Belurin* – בְּלוּרִין:** Some explain that this is a form of the Greek φλύαρος, *fluaros*, meaning nonsense. The letter *bet* was often substituted for the letter *peh*, as both are bilabial plosives, resulting in the word *belurin*, referring to those who speak nonsense in order to amuse.

***Salgurin* – סַלְגּוּרִין:** According to some versions of the text, the word is *sagilrin*. It possibly originates from the Latin sigillaria, the continuation of the Saturnalia festival (see 6a), in which many comic acts were performed. *Salgurin*, therefore, is referring to those who take part in this festival, as well as those who act in a similar fashion.

NOTES

Provided that he is not counted as one of them – שֶׁלֹּא יִתְחַשֵּׁב עִמָּהֶם: Some explain that the qualification is that he must not actively provide aid by joining the gentile troops of the besieging camp (Rashi). Others maintain that the condition is that he may not be counted in the tally of the troops, as the number of troops in a besieging camp is taken into account by the military leaders, and if he adds to their number he thereby encourages the army to begin the siege (*Tosafot*; Rabbi Elḥanan; Ra'avad).

BACKGROUND

The incident involving Berurya – מַעֲשֶׂה דְּבְרוּרְיָא: This anecdote does not appear anywhere in the Talmud, and is one of several references to different stories that were known in the time of the Sages, and for various reasons were never recorded in detail. See Rashi, who cites a tradition with regard to the nature of this incident.

Diviners and those who cast spells – הַנַּחָשִׁים וְאֶת הַחַבָּרִין: According to Rashi, these are enchanters who perform witchcraft. The Gemara is possibly referring to those who perform conjuring tricks before the masses, or perhaps to fortunetellers found in circuses.

He can scream and save the life – צוֹוֵחַ וּמַצִּיל: Roman gladiatorial games involved armed combatants who fought each other. Traditionally, the defeated gladiator was killed by the winner. Occasionally the defeated combatant would beg to be spared, and the person in charge of the games might spare his life, based on the reaction of the audience. For this reason, the presence of an audience member who shouts out from the crowd could reverse the fate of the defeated gladiator and serve to spare his life.

Relief from the Second Temple period depicting a victorious gladiator poised to strike his adversary upon receiving a verdict from the spectators

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בְּשִׁלָּמָא כַּרְקוֹם אַכַּרְקוֹם לָא קָשְׁיָא: כָּאן בְּמִתְחַשֵּׁב עִמָּהֶן, כָּאן בְּשֶׁאֵין מִתְחַשֵּׁב עִמָּהֶן, אֶלָּא אִיצְטַדְיָנִין אַאִיצְטַדְיָנִין קַשְׁיָא!

The Gemara continues: **Granted,** the apparent contradiction between one statement about **a camp of besiegers** and the other statement **about a camp of besiegers** is **not difficult,** as **here,** the first *baraita* is referring to a case **where he is counted** as one **of them,** and **there,** the second *baraita* is referring to a case **where he is not counted** as one **of them. But** with regard to the contradiction between the ruling about attending **stadiums** in the first *baraita* and the ruling **about** attending **stadiums** in the second *baraita*, it is **difficult.**

תַּנָּאֵי הִיא; דְּתַנְיָא: אֵין הוֹלְכִין לְאִיצְטַדְיָנִין מִפְּנֵי מוֹשַׁב לֵצִים, וְרַבִּי נָתָן מַתִּיר מִפְּנֵי שְׁנֵי דְּבָרִים, אֶחָד – מִפְּנֵי שֶׁצּוֹוֵחַ וּמַצִּיל, וְאֶחָד – מִפְּנֵי שֶׁמֵּעִיד עֵדוּת אִשָּׁה לְהַשִּׂיאָהּ.

The Gemara answers: This issue **is** a dispute between ***tanna'im*, as it is taught** in a *baraita*: **One may not go to stadiums, because** they are considered "**the seat of the scornful.**" **And Rabbi Natan permits** attending stadiums **due to two** reasons; **one** is **because he can scream and save** the life of someone who would otherwise be killed, **and** the other **one** is **because** even if he cannot save the man's life, **he can provide testimony** that **a woman's** husband died, which will enable her **to marry** again.

תָּנוּ רַבָּנָן: אֵין הוֹלְכִין לְטַרְטֵיאוֹת וּלְקִרְקֵסִיאוֹת, מִפְּנֵי שֶׁמְּזַבְּלִין שָׁם זִבּוּל לַעֲבוֹדָה זָרָה, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: מָקוֹם שֶׁמְּזַבְּלִין אָסוּר מִפְּנֵי חֲשַׁד עֲבוֹדָה זָרָה, וּמָקוֹם שֶׁאֵין מְזַבְּלִין שָׁם אָסוּר מִפְּנֵי מוֹשַׁב לֵצִים.

The Sages taught: One may not go to theaters [*letarteiot*]L **or circuses** [*ulkirkaseiot*]L **because they sacrifice offerings**N **there to** objects of **idol worship;** this is **the statement of Rabbi Meir. And the Rabbis say: It is prohibited** to go to **a place where they sacrifice** offerings, **due to a suspicion of idol worship, and it is** also **prohibited** to go to **a place where they do not sacrifice** offerings, **due to** it being considered "**the seat of the scornful.**"

מַאי בֵּינַיְיהוּ? אֲמַר רַבִּי חֲנִינָא מִסּוּרָא: נָשָׂא וְנָתַן אִיכָּא בֵּינַיְיהוּ.

The Gemara asks: **What is** the practical difference **between**N the opinion of the Rabbis and that of Rabbi Meir? After all, according to both opinions it is prohibited to attend theaters or circuses. **Rabbi Ḥanina of Sura said:** The difference **between them** arises in the case of one who **engaged in business**N there. According to Rabbi Meir, the profits are forbidden as the proceeds of idol worship, as Rabbi Meir maintains that the gentiles certainly worship idols at theaters or circuses. Conversely, according to the Rabbis, the profits are forbidden only if it is established that they worshipped idols there.

דָּרַשׁ רַבִּי שִׁמְעוֹן בֶּן פָּזִי, מַאי דִּכְתִיב: ״אַשְׁרֵי הָאִישׁ אֲשֶׁר לֹא הָלַךְ בַּעֲצַת רְשָׁעִים וּבְדֶרֶךְ חַטָּאִים לֹא עָמָד וּבְמוֹשַׁב לֵצִים לֹא יָשָׁב״? וְכִי מֵאַחַר שֶׁלֹּא הָלַךְ, הֵיכָן עָמַד? וּמֵאַחַר שֶׁלֹּא עָמַד, הֵיכָן יָשַׁב? וּמֵאַחַר שֶׁלֹּא יָשַׁב, הֵיכָן לָץ?

§ Apropos the earlier discussion of the evils of scornfulness, the Gemara cites several statements that criticize such behavior. **Rabbi Shimon ben Pazi taught: What** is the meaning of that **which is written: "Happy is the man that has not walked in the counsel of the wicked, nor stood in the way of sinners, nor sat in the seat of the scornful"** (Psalms 1:1)? **Since he did not walk** in the counsel of the wicked, **how** could **he stand** with them? **And since he did not stand, how** could **he sit** with them? **And since he did not sit** with them, **how** could **he** have **scorned?** Since he never joined the company of the wicked, he would have no reason to be involved with them in any manner.

LANGUAGE

Theaters [*tarteiot*] – **טַרְטֵיאוֹת:** From the Greek θέατρον, *theatron*, meaning a place where performances are staged. Performances in Rome, especially public presentations, were full of crude language and sexual immorality, and many plays included motifs of idol worship.

Roman theater at Leptis Magna, Libya

Circuses [*kirkaseiot*] – **קִרְקֵסִיאוֹת:** From the Latin circus, meaning an arena, typically a circular one, which served as a substitute for the Greek stadium. Here the Romans would host various sporting events and horse racings. These types of events included the brutal war games for which the Romans are famous, such as gladiatorial shows in which fights between animals or between animals and humans were staged for the public. The Colosseum in Rome, with its famous ruins, was actually an enormous circus.

Circus Maximus, Rome

Colosseum, Rome

NOTES

They sacrifice offerings [*mezablin*] – **מְזַבְּלִין:** Rashi explains that the root *zayin*, *bet*, *lamed* refers to a gathering that accords honor, as in the verse: "Now my husband will dwell with me [*yizbeleini*]" (Genesis 30:20). Most of the commentaries agree with Rabbeinu Tam that the term means to sacrifice offerings [*mezabḥin*]. By substituting the letter *ḥet* with the letter *lamed*, it serves as a dysphemism for idol worship, as the term *zevel* can mean waste. This fits with the injunction of the Sages to use a dysphemism for idolatry, and the many instances in the Bible where the deities of the gentiles are referred to as abominations. *Tosafot* cite support for this interpretation from the Jerusalem Talmud.

What is the practical difference between – מַאי בֵּינַיְיהוּ: Some explain that Rabbi Meir is always concerned about idol worship regardless of the place, and therefore the Gemara asks about the practical difference between the opinion of Rabbi Meir and that of the Rabbis, as according to both one is not permitted to go to theaters and circuses (Rashi). According to *Tosafot*, Rabbi Meir's opinion is more lenient than that of the Rabbis, as he maintains that one is prohibited only from going to a place where the gentiles sacrifice offerings to objects of idol worship. Therefore, they explain that the Gemara's question with regard to the practical difference between the opinion of Rabbi Meir and the opinion of the Rabbis is referring specifically to a place where offerings are sacrificed to objects of idol worship. *Tosafot* also suggest a second interpretation, that the Gemara's question applies only to the opinion of the Rabbis: According to the Rabbis, what difference does it make whether one is prohibited from going due to a suspicion of idol worship or because it is considered a "seat of the scornful."

Engaged in business – נָשָׂא וְנָתַן: According to Rashi, Rabbi Meir holds that one's profits from theaters and circuses are always considered money associated with idol worship and are therefore forbidden. Conversely, according to the Rabbis the profits are never forbidden, since in a place where people sacrifice in honor of idol worship there is only a suspicion of idol worship, and if they do not sacrifice, the prohibition of attending is only due to the fact that the location is considered "the seat of the scornful," and there is certainly no concern that the profits are money that is associated with idol worship.

According to the second explanation of *Tosafot*, the Rabbis would maintain that in the first case the profits are prohibited; they are permitted only in the second scenario, where one attended a location that is considered a "seat of the scornful." See the Maharsha and the Maharam Lublin for a dispute with regard to how to explain the Gemara's answer according to the first explanation of *Tosafot*.

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אֶלָּא לוֹמַר לְךָ, שֶׁאִם הָלַךְ – סוֹפוֹ לַעֲמוֹד, וְאִם עָמַד – סוֹפוֹ לֵישֵׁב, וְאִם יָשַׁב – סוֹפוֹ לָלוּץ, וְאִם לָץ – עָלָיו הַכָּתוּב אוֹמֵר: ״אִם חָכַמְתָּ חָכַמְתָּ לָךְ וְאִם לַצְתָּ לְבַדְּךָ תִּשָּׂא״.

Rather, the verse serves **to say to you that if he walked** with the wicked, **he will ultimately stand** with them. **And if he stood** with them, **he will ultimately sit** in their company, **and if he sat, he will ultimately scorn** along with them. **And if he scorned, the verse says about him: "If you are wise, you are wise for yourself; and if you scorn, you alone shall bear it"** (Proverbs 9:12).

אָמַר רַבִּי אֱלִיעֶזֶר: כָּל הַמִּתְלוֹצֵץ – יִסּוּרִין בָּאִין עָלָיו, שֶׁנֶּאֱמַר: ״וְעַתָּה אַל תִּתְלוֹצָצוּ פֶּן יֶחְזְקוּ מוֹסְרֵיכֶם״. אָמַר לָהוּ רָבָא לְרַבָּנַן: בְּמָטוּתָא, בָּעֵינָא מִינַּיְיכוּ דְּלָא תִּתְלוֹצְצוּ, דְּלָא לֵיתוּ עֲלַיְיכוּ יִסּוּרִין.

Rabbi Eliezer says: Concerning **anyone who scoffs,**[N] **suffering will befall him, as it is stated: "Now therefore do not be scoffers, lest your suffering be made strong"** (Isaiah 28:22). Similarly, **Rava said to the Sages** who were sitting before him: **Please, I ask of you that you not scoff, so that suffering will not befall you.**

אָמַר רַב קְטִינָא: כָּל הַמִּתְלוֹצֵץ – מְזוֹנוֹתָיו מִתְמַעֲטִין, שֶׁנֶּאֱמַר: ״מָשַׁךְ יָדוֹ אֶת לְצִצִים״. אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: כָּל הַמִּתְלוֹצֵץ נוֹפֵל בַּגֵּיהִנֹּם, שֶׁנֶּאֱמַר: ״זֵד יָהִיר לֵץ שְׁמוֹ עוֹשֶׂה בְּעֶבְרַת זָדוֹן״, וְאֵין עֶבְרָה אֶלָּא גֵּיהִנֹּם, שֶׁנֶּאֱמַר: ״יוֹם עֶבְרָה הַיּוֹם הַהוּא״.

Rav Ketina says: Concerning **anyone who scoffs, his sustenance is lessened, as it is stated: "He stretches out his hand with scorners"** (Hosea 7:5), meaning that God withdraws His providence from scoffers and does not provide for them. **Rabbi Shimon ben Lakish says: Anyone who scoffs falls into Gehenna, as it is stated: "A proud and haughty man, scorner is his name, he acts in arrogant wrath"** (Proverbs 21:24). **And wrath** means **nothing other than Gehenna, as it is stated** with regard to the Day of Judgment: **"That day is a day of wrath"** (Zephaniah 1:15).

אָמַר רַבִּי אוֹשַׁעְיָא: כָּל הַמִּתְיַיהֵר נוֹפֵל בַּגֵּיהִנֹּם, שֶׁנֶּאֱמַר: ״זֵד יָהִיר לֵץ שְׁמוֹ עוֹשֶׂה בְּעֶבְרַת זָדוֹן״, וְאֵין עֶבְרָה אֶלָּא גֵּיהִנֹּם, שֶׁנֶּאֱמַר: ״יוֹם עֶבְרָה הַיּוֹם הַהוּא״. אָמַר רַבִּי חֲנִילַאי בַּר חֲנִילַאי: כָּל הַמִּתְלוֹצֵץ גּוֹרֵם כְּלָיָה לָעוֹלָם, שֶׁנֶּאֱמַר: ״וְעַתָּה אַל תִּתְלוֹצָצוּ פֶּן יֶחְזְקוּ מוֹסְרֵיכֶם כִּי כָלָה וְנֶחֱרָצָה שָׁמַעְתִּי״.

Rabbi Oshaya says, based on the same verse: **Anyone who is haughty falls into Gehenna, as it is stated: "A proud and haughty man, scorner is his name, he acts in arrogant wrath"** (Proverbs 21:24). **And wrath means nothing other than Gehenna, as it is stated: "That day is a day of wrath"** (Zephaniah 1:15). **Rabbi Ḥanilai bar Ḥanilai says: Anyone who scoffs causes extermination** to be wrought **upon the world, as it is stated: "Now therefore do not be scoffers, lest your suffering be made strong; for an extermination wholly determined have I heard** from the Lord, the God of hosts, upon the whole land" (Isaiah 28:22).

אָמַר רַבִּי אֱלִיעֶזֶר: קָשָׁה הִיא, שֶׁתְּחִילָּתָהּ יִסּוּרִין וְסוֹפוֹ כְּלָיָה. דָּרַשׁ רַבִּי שִׁמְעוֹן בֶּן פָּזִי: ״אַשְׁרֵי הָאִישׁ אֲשֶׁר לֹא הָלַךְ״ – לְטַרְטֵיאוֹת וּלְקִרְקָסְיָאוֹת שֶׁל גּוֹיִם, ״וּבְדֶרֶךְ חַטָּאִים לֹא עָמָד״ – זֶה שֶׁלֹּא עָמַד בְּקִנְגִּיּוֹן, ״וּבְמוֹשַׁב לֵצִים לֹא יָשָׁב״ – שֶׁלֹּא יָשַׁב בְּתַחְבוּלוֹת;

Rabbi Eliezer says: Scoffing **is a severe** sin, **as at first** one is punished with **suffering, and ultimately** one is punished with **extermination. Rabbi Shimon ben Pazi taught: "Happy is the man that has not walked** in the counsel of the wicked," this is referring **to** the **theaters and circuses of gentiles; "nor stood in the way of sinners," this** is referring to **one who has not stood** as an observer **at bestial contests** [***bekinigiyyon***];[L] **"nor sat in the seat of the scornful,"** this is referring to **one who has not sat in the bad company**[N] of people who engage in scoffing and jeering.

שֶׁמָּא יֹאמַר אָדָם: הוֹאִיל וְלֹא הָלַכְתִּי לְטַרְטֵיאוֹת וּלְקִרְקָסְיָאוֹת וְלֹא עָמַדְתִּי בְּקִנְגִּיּוֹן אֵלֵךְ וְאֶתְגַּרֶה בְּשֵׁינָה? תַּלְמוּד לוֹמַר: ״וּבְתוֹרָתוֹ יֶהְגֶּה יוֹמָם וָלָיְלָה״.

Lest a person say: Since I did not go to theaters and circuses, and did not stand in bestial contests, I will go and indulge in sleep, the verse states: "And he meditates in His law day and night" (Psalms 1:2). This demonstrates that it is not sufficient simply to avoid transgressions; rather, it is necessary to engage actively in Torah study.

אָמַר רַב שְׁמוּאֵל בַּר נַחְמָנִי אָמַר רַבִּי יוֹנָתָן: ״אַשְׁרֵי הָאִישׁ אֲשֶׁר לֹא הָלַךְ בַּעֲצַת רְשָׁעִים״ – זֶה

§ The Gemara relates an alternative homiletic interpretation of the verse discussed above. **Rav Shmuel bar Naḥmani says** that **Rabbi Yonatan says: "Happy is the man that has not walked in the counsel of the wicked"** (Psalms 1:1); **this**

LANGUAGE

Bestial contests [*kinigiyyon*] – קִנְגִּיּוֹן: From the Greek κυνήγιον, *kunēgion*, meaning chase or hunt, principally with the aid of hunting dogs.

NOTES

Anyone who scoffs – כָּל הַמִּתְלוֹצֵץ: There are several explanations in the commentaries as to what type of scoffing or scorning is referenced in this discussion. *Mesillat Yesharim* explains that it is scoffing at rebuke. *Ḥeshek Shlomo* writes, as one of several explanations, that it is refers to scoffing at those less fortunate, e.g., the ill or poor (see also *Netivot Olam*).

Bad company [*taḥbulot*] – תַּחְבוּלוֹת: This bad company is referring to those who sit idly on street corners and engage in meaningless chatter (Ra'avad) or engage in sophistry (Maharsha). Alternatively, *taḥbulot* is a place where two people fight each other as a form of sport and jest (*Arukh*).

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אַבְרָהָם אָבִינוּ, שֶׁלֹּא הָלַךְ בַּעֲצַת אַנְשֵׁי דּוֹר הַפַּלָּגָה, שֶׁרְשָׁעִים הָיוּ, שֶׁנֶּאֱמַר: "הָבָה נִבְנֶה לָּנוּ עִיר"; "וּבְדֶרֶךְ חַטָּאִים לֹא עָמָד" – שֶׁלֹּא עָמַד בַּעֲמִידַת סְדוֹם, שֶׁחַטָּאִים הָיוּ, שֶׁנֶּאֱמַר: "וְאַנְשֵׁי סְדֹם רָעִים וְחַטָּאִים לַה' מְאֹד";

is referring to **our forefather Abraham, who did not walk in the counsel of the members of the generation of the dispersion, who were wicked, as it is stated** that they said to each other: "**Come, let us build us a city,** and a tower, with its top in heaven" (Genesis 11:4), a project with a wicked aim. "**Nor stood in the way of sinners**" (Psalms 1:1); this too is referring to Abraham, **who did not join in the stand of** the residents of **Sodom, who were sinners, as it is stated: "Now the men of Sodom were wicked and sinners against the Lord exceedingly"** (Genesis 13:13).

"וּבְמוֹשַׁב לֵצִים לֹא יָשָׁב" – שֶׁלֹּא יָשַׁב בְּמוֹשַׁב אַנְשֵׁי פְלִשְׁתִּים, מִפְּנֵי שֶׁלֵּצָנִים הָיוּ, שֶׁנֶּאֱמַר: "וַיְהִי כְּטוֹב לִבָּם וַיֹּאמְרוּ קִרְאוּ לְשִׁמְשׁוֹן וִישַׂחֶק לָנוּ".

"**Nor sat in the seat of the scornful**" (Psalms 1:1); this means **that** Abraham **did not sit in the seat of the Philistines, because they were scorners** who engaged in jest and buffoonery. **As it is stated** with regard to the Philistines in a later period: "**And it came to pass, when their hearts were merry, that they said: Call for Samson, that he may make us sport**" (Judges 16:25).

"אַשְׁרֵי אִישׁ יָרֵא אֶת ה'" – אַשְׁרֵי אִישׁ וְלֹא אַשְׁרֵי אִשָּׁה? אָמַר רַב עַמְרָם אָמַר רַב: אַשְׁרֵי מִי שֶׁעוֹשָׂה תְּשׁוּבָה כְּשֵׁהוּא אִישׁ. רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי אָמַר: אַשְׁרֵי מִי שֶׁמִּתְגַּבֵּר עַל יִצְרוֹ כְּאִישׁ.

The Gemara cites an interpretation of a similar verse: "**Happy is the man that fears the Lord,** that delights greatly in His mitzvot" (Psalms 112:1). The Gemara asks: Is that to say **happy is the man, but not happy is the woman?** Why is it necessary for the verse to emphasize that it is speaking of a man? **Rav Amram says** that **Rav says:** The verse applies to both men and women and is teaching: **Happy is one who repents when he is** still **a man,**[H] i.e., before he becomes elderly and his strength dwindles. **Rabbi Yehoshua ben Levi says: Happy is one who triumphs over his** evil **inclination like a man,**[N] i.e., with strength and vigor.

"בְּמִצְוֹתָיו חָפֵץ מְאֹד", אָמַר רַבִּי אֶלְעָזָר: בְּמִצְוֹתָיו – וְלֹא בִּשְׂכַר מִצְוֹתָיו. וְהֵיינוּ דִּתְנַן, הוּא הָיָה אוֹמֵר: אַל תִּהְיוּ כַּעֲבָדִים הַמְשַׁמְּשִׁין אֶת הָרַב עַל מְנָת לְקַבֵּל פְּרָס, אֶלָּא הֱיוּ כַּעֲבָדִים הַמְשַׁמְּשִׁין אֶת הָרַב שֶׁלֹּא עַל מְנָת לְקַבֵּל פְּרָס.

The verse continues: "**He delights greatly in His mitzvot." Rabbi Elazar says:** The person delights **in His mitzvot** themselves **and not in the reward** for performing **His mitzvot. And this is the same as we learned** in a mishna (*Avot* 1:3): Antigonus of Sokho **would say: Do not be like** the **servants**[H] **who serve the master on the condition of receiving a reward; rather, be like** the **servants who serve the master not on the condition that** they **receive a reward.**

"כִּי אִם בְּתוֹרַת ה' חֶפְצוֹ", אָמַר רַבִּי: אֵין אָדָם לוֹמֵד תּוֹרָה אֶלָּא מִמָּקוֹם שֶׁלִּבּוֹ חָפֵץ, שֶׁנֶּאֱמַר: "כִּי אִם בְּתוֹרַת ה' חֶפְצוֹ".

§ The Gemara returns to its interpretation of the verse that was discussed previously: "**But his delight is in the Torah of the Lord**" (Psalms 1:2). **Rabbi** Yehuda HaNasi **says: A person can learn Torah only from a place** in the Torah **that his heart desires, as it is stated: But his delight is in the Torah of the Lord,** i.e., his delight is in the part of the Torah that he wishes to study.

לֵוִי וְרַבִּי שִׁמְעוֹן בְּרַבִּי יָתְבִי קַמֵּיהּ דְּרַבִּי וְקָא פָּסְקִי סִידְרָא, סְלִיק סִפְרָא, לֵוִי אֲמַר: לַיְיתוּ [לָן] מִשְׁלֵי, רַבִּי שִׁמְעוֹן בְּרַבִּי אֲמַר: לַיְיתוּ [לָן] תְּהִילִּים, כָּפֵייהּ לְלֵוִי וְאַיְיתוּ תְּהִילִּים. כִּי מְטוּ הָכָא: "כִּי אִם בְּתוֹרַת ה' חֶפְצוֹ", פָּרֵישׁ רַבִּי וַאֲמַר: אֵין אָדָם לוֹמֵד תּוֹרָה אֶלָּא מִמָּקוֹם שֶׁלִּבּוֹ חָפֵץ. אָמַר לֵוִי: רַבִּי, נָתַתָּ לָנוּ רְשׁוּת לַעֲמוֹד.

The Gemara relates: **Levi**[P] **and Rabbi Shimon, son of Rabbi** Yehuda HaNasi,[P] **were sitting before Rabbi** Yehuda HaNasi, **and** they **were learning the Torah portion.**[B] When **they finished the book** that they were learning and were ready to begin a new subject, **Levi said: Let them bring us** the book of **Proverbs;** and **Rabbi Shimon, son of Rabbi** Yehuda HaNasi, **said: Let them bring us** the book of **Psalms.** He **compelled Levi** to acquiesce, **and they brought** a book of **Psalms. When they arrived here,** at the verse: "**But his delight is in the Torah of the Lord,**" **Rabbi** Yehuda HaNasi **explained** the verse **and said: A person can learn Torah only from a place** in the Torah **that his heart desires. Levi said: My teacher, you have given us,** i.e., me, **permission to rise** and leave, as I wish to study Proverbs, not Psalms.

HALAKHA

When he is still a man – כְּשֶׁהוּא אִישׁ: One achieves full repentance when he is presented with the opportunity to repeat the transgression that he had previously committed but he restrains himself and does not do so due to his repentance, rather than because he is afraid to do so or because of a lack of strength. For example, if one engaged in forbidden sexual intercourse with a woman, and after some time he is alone with her again and remains as physically able to perform as he was when he sinned previously, but he refrains and does not sin due to his penitence, he has achieved proper repentance (Rambam *Sefer HaMadda*, *Hilkhot Teshuva* 2:1).

Do not be like servants, etc. – אַל תִּהְיוּ כַּעֲבָדִים וכו': One should not serve God on the condition of receiving a reward either in this world or in the World-to-Come. One who serves God in order to receive a reward worships only out of fear. Rather, one should serve God and obey His precepts due to his conviction of their truth and his love of God. The great Sages would instruct their wisest students in this manner: Do not be like servants who serve the master on the condition of receiving a reward; rather, be like servants who serve the master not on condition of receiving a reward (Rambam *Sefer HaMadda*, *Hilkhot Teshuva* 10:1–4).

NOTES

Who triumphs over his evil inclination like a man – שֶׁמִּתְגַּבֵּר עַל יִצְרוֹ כְּאִישׁ: Rabbi Yehoshua ben Levi is teaching that the strength of one's repentance is not determined by the age of the penitent but by the forcefulness that one employs in repenting. Therefore, if one is elderly but uses all of his strength to correct his ways, it is stated about him: Happy is the man (*Ben Yehoyada*).

PERSONALITIES

Levi – לֵוִי: This is Levi ben Sisi, one of the Sages in Eretz Yisrael in the transitional generation between the *tanna'im* and the *amora'im*. Levi was the preeminent disciple of Rabbi Yehuda HaNasi, redactor of the Mishna, and he would sit before Rabbi Yehuda HaNasi and engage in the study of *halakha* with the rest of Rabbi Yehuda HaNasi's prominent disciples. Rabbi Yehuda HaNasi held him in high regard and sent him to Simonia to serve as a judge and teacher and described him as: A man like me. There are several sources that relate that he began limping while attempting to demonstrate before Rabbi Yehuda HaNasi how the High Priest would bow upon his face. The Gemara also relates that this was a punishment for speaking impertinently before God.

Levi also edited anthologies of *baraitot*, introduced with the phrase: They taught in the school of Levi.

Rabbi Shimon the son of Rabbi Yehuda HaNasi – רַבִּי שִׁמְעוֹן בְּרַבִּי: Rabbi Shimon was the youngest son of Rabbi Yehuda HaNasi as well as Rabbi Yehuda HaNasi's primary student. He often frequented the group of Rabbi Yehuda HaNasi's greatest students and discussed various halakhic issues with them. Rabbi Shimon was especially close with Rabbi Ḥiyya, who was also his partner in the silk business. In many instances it is clear that he was very meticulous about his father's honor due to his position as the *Nasi*, and he made sure to prevent any potential damage to his father's reputation. At least one of Rabbi Shimon's sayings is found in the Mishna itself although he actually lived in the transition generation between the *tanna'im* and *amora'im*. His statements are often introduced by the word *itmar*, it was stated, as is used for *amora'im*. Rabbi Yehuda HaNasi considered him to be a great scholar and before Rabbi Yehuda HaNasi's death he appointed Rabbi Shimon as the *Ḥakham*, or scholar, which is the third highest position in the Sanhedrin after the *Nasi* and the *Av Bet Din*, while appointing his older brother Rabban Gamliel as the *Nasi*.

BACKGROUND

Learning the Torah portion [*sidra*] – פָּסְקִי סִידְרָא: The word *sidra* means here, as Rashi explains in tractate *Yoma* 87a, a set portion or chapter that was customarily studied from Prophets or Writings. Apparently, the division of the Bible into portions, which appears in several manuscripts and printings, akin to the current system of chapters that was implemented by gentiles at a later stage, reflects a standard custom to learn one portion of the Bible every day.

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אָמַר רַבִּי אַבְדִּימִי בַּר חָמָא: כָּל הָעוֹסֵק בַּתּוֹרָה – הַקָּדוֹשׁ בָּרוּךְ הוּא עוֹשֶׂה לוֹ חֲפָצָיו, שֶׁנֶּאֱמַר: ״כִּי אִם בְּתוֹרַת ה׳ חֶפְצוֹ״. אָמַר רָבָא: לְעוֹלָם יִלְמוֹד אָדָם תּוֹרָה בְּמָקוֹם שֶׁלִּבּוֹ חָפֵץ, שֶׁנֶּאֱמַר: ״כִּי אִם בְּתוֹרַת ה׳ חֶפְצוֹ״.

The Gemara cites other interpretations of this verse. **Rabbi Avdimi bar Ḥama says:** With regard to **anyone who engages in** the study of **Torah, the Holy One, Blessed be He, fulfills his desires, as it is stated: "But in the Torah of the Lord is his delight,"** i.e., if one engages in the study of the Torah of the Lord, he will have his desires met by the Lord. **Rava says,** in accordance with the statement of Rabbi Yehuda HaNasi: **A person should always learn Torah from a place** in the Torah **that his heart desires, as it is stated: "But his delight is in the Torah of the Lord."**

וְאָמַר רָבָא: בַּתְּחִילָּה נִקְרֵאת עַל שְׁמוֹ שֶׁל הַקָּדוֹשׁ בָּרוּךְ הוּא וּלְבַסּוֹף נִקְרֵאת עַל שְׁמוֹ, שֶׁנֶּאֱמַר: ״בְּתוֹרַת ה׳ חֶפְצוֹ וּבְתוֹרָתוֹ יֶהְגֶּה יוֹמָם וָלָיְלָה״.

And Rava also **says,** with regard to this verse: **Initially** the Torah **is called by the name of the Holy One, Blessed be He, but ultimately it is called by the name of** the one who studies it. **As it is** first **stated: "His delight is in the Torah of the Lord,"** and in the continuation of the verse it states: **"And in his Torah he meditates day and night."** This teaches that through study one acquires ownership, as it were, of the Torah.

וְאָמַר רָבָא: לְעוֹלָם יִלְמַד אָדָם תּוֹרָה וְאַחַר כָּךְ יֶהְגֶּה, שֶׁנֶּאֱמַר: ״בְּתוֹרַת ה׳״, וְהָדַר: ״וּבְתוֹרָתוֹ יֶהְגֶּה״.

And Rava says in reference to this verse: **A person must always study Torah** and gain a broad knowledge of it, **and** only **then** may he **analyze** and delve into it.[N] **As it is stated:** "His delight is **in the Torah of the Lord,"** meaning that he studies the Torah on a basic level, **and** only **afterward** does the verse state: **"And in his Torah he meditates,"** i.e., he analyzes it.

וְאָמַר רָבָא: לְעוֹלָם לִיגְרִיס אִינִישׁ, וְאַף עַל גַּב דִּמְשַׁכַּח, וְאַף עַל גַּב דְּלָא יָדַע מַאי קָאָמַר, שֶׁנֶּאֱמַר: ״גָּרְסָה נַפְשִׁי לְתַאֲבָה״ – ״גָּרְסָה״ כְּתִיב, וְלָא כְּתִיב ״טָחֲנָה״.

And Rava says with regard to Torah study: **A person should always study** [*ligeris*] and review **even though** he may afterward **forget, and even though he does not understand**[N] **what it is saying. As it is stated** with regard to the study of Torah: **"My soul breaks** [*garesa*] **for the longing that it has** for Your ordinances at all times" (Psalms 119:20). **It is written: "Breaks," and it is not written: Grinds,** demonstrating that the soul is satisfied with breaking apart material, on a basic level, even if it does not have the opportunity to grind and analyze it in greater depth.

רָבָא רָמֵי, כְּתִיב: ״עַל גַּפֵּי״, וּכְתִיב: ״עַל כִּסֵּא״! בַּתְּחִלָּה עַל גַּפֵּי, וּלְבַסּוֹף עַל כִּסֵּא.

Rava raises a contradiction between two verses: **It is written** that the Torah calls to people: **"Upon the highest places** of the city" (Proverbs 9:3),[N] **and it is written** far more specifically: **"On a seat** in the high places of the city" (Proverbs 9:14). He explains: **Initially,** one who studies Torah does not have a secure place to sit, and therefore he is located merely **upon the highest places, but ultimately,** as he advances in his learning, he is placed **on a seat** of honor.

כְּתִיב: ״בְּרֹאשׁ מְרוֹמִים״, וּכְתִיב: ״עֲלֵי דָרָךְ״! בַּתְּחִלָּה בְּרֹאשׁ מְרוֹמִים, וּלְבַסּוֹף עֲלֵי דָרָךְ.

The Gemara mentions a similar contradiction. **It is written** with regard to the Torah: **"In the top of high places"** (Proverbs 8:2),[N] **and it is written** in the continuation of the verse that the Torah is **"by the path."** This contradiction is resolved as follows: **Initially,** a person studies Torah in a private location, **in the top of high places, but ultimately** he will spread his knowledge, **by the path,** in the public realm.

NOTES

A person must always study Torah and only then analyze and delve into it – לְעוֹלָם יִלְמַד אָדָם תּוֹרָה וְאַחַר כָּךְ יֶהְגֶּה: Rashi explains that one should first learn the basic text and its meaning from his teacher, and only afterward analyze and study it in greater depth, since if he does not do this he might not find a teacher available for this first, indispensable stage. Others explain that without a broad base of knowledge, one cannot offer a profound or well-founded reasoning.

Even though he does not understand – וְאַף עַל גַּב דְּלָא יָדַע: Rashi here states that even if one's teacher is unable to explain anything beyond the basic meaning of the text, he should still continue engaging in Torah study. The Maharsha, citing Rashi's commentary in tractate *Berakhot* 63b, explains that even if the student does not understand anything, he should continue studying and reviewing and only afterward attempt to develop a real understanding of what he is studying. Others suggest that if in the course of one's studies questions arise from other areas, one should first attempt to understand the basic meaning of the issue that one is learning before seeking to resolve contradictions from other areas of the Torah (Gra).

It is written, upon the highest places [*gappei*] – כְּתִיב עַל גַּפֵּי וכו׳: The two verses both speak of wisdom, which calls out to people and causes those who engage in its study to be established in these locations (Ra'avad). Although the language of the verses are similar, there are differences between them. The first verse is interpreted as referring to the learner being placed on wings [*gappei*], i.e., on a spot that lacks stability, whereas the second is understood to mean that with time the learner will acquire a seat of honor (Rashi). Alternatively, at first the learner studies alone [*begappo*], but over the course of time he will sit on a chair, i.e., he will teach many students publicly (Rabbeinu Elḥanan).

In the top of high places – בְּרֹאשׁ מְרוֹמִים: Rashi explains that initially one studies Torah in the top of high places, i.e., in a secret and secluded location, and afterward he will spread his knowledge in public. Others explain that at first the Torah is described as "in the top of high places," since one does not understand it, but in time it can be depicted as "on the path," as its paths and ways become clearer (Ra'avad).

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עוּלָּא רָמֵי, כְּתִיב: ״שְׁתֵה מַיִם מִבּוֹרֶךָ״, וּכְתִיב: ״וְנוֹזְלִים מִתּוֹךְ בְּאֵרֶךָ״! בַּתְּחִלָּה שְׁתֵה מִבּוֹרֶךָ, וּלְבַסּוֹף וְנוֹזְלִים מִתּוֹךְ בְּאֵרֶךָ.

Ulla raises a contradiction with regard to the following verse. **It is written: "Drink waters out of your own cistern"** (Proverbs 5:15), **and it is written** in the continuation of the verse: **"And running waters out of your own well."** He explains: **Initially** one should **"drink waters out of your own cistern,"**[N] i.e., like the cistern that draws water into one location, learning all existing knowledge; **and ultimately** one can produce **"running waters out of your own well,"** i.e., original thought and innovative insights in Torah.

אָמַר רָבָא אָמַר רַב סְחוֹרָה אָמַר רַב הוּנָא, מַאי דִּכְתִיב: ״הוֹן מֵהֶבֶל יִמְעָט וְקֹבֵץ עַל יָד יַרְבֶּה״? אִם עוֹשֶׂה אָדָם תּוֹרָתוֹ חֲבִילוֹת חֲבִילוֹת – מִתְמַעֵט, וְאִם קוֹבֵץ עַל יָד – יִרְבֶּה.

The Gemara cites other statements relating to Torah study. **Rava says** that **Rav Seḥora says** that **Rav Huna says: What** is the meaning of that **which is written: "Wealth gotten through vanity** [***mehevel***] **shall be diminished; but he that gathers little by little shall increase"** (Proverbs 13:11)? **If a person turns his Torah into many bundles** [***ḥavilot***], by studying large amounts in a short period of time without reviewing, his Torah **will diminish. But if he gathers** his knowledge **little by little,** by studying slowly and reviewing, his knowledge **shall increase.**

אָמַר רָבָא: יָדְעִי רַבָּנַן לְהָא מִילְּתָא וְעָבְרִי עֲלָהּ. אָמַר רַב נַחְמָן בַּר יִצְחָק: אֲנָא עֲבִידְתָּהּ וְקַיָּים בְּיָדַי.

Rava said: The Sages know this, but nevertheless **they transgress it,** i.e., they fail to heed this advice. **Rav Naḥman bar Yitzḥak says: I did this,** as I studied little by little and regularly reviewed what I had learned, **and** my learning **has** in fact **endured.**

אָמַר רַב שֵׁיזְבִי מִשְּׁמֵיהּ דְּרַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה, מַאי דִּכְתִיב: ״לֹא יַחֲרֹךְ רְמִיָּה צֵידוֹ״? לֹא יִחְיֶה וְלֹא יַאֲרִיךְ יָמִים צַיָּיד הָרַמַּאי;

Rav Sheizvi said in the name of Rabbi Elazar ben Azarya: What is the meaning of that **which is written: "The slothful man** [***remiyya***] **will not roast** [***yaḥarokh***] **his prey"** (Proverbs 12:27)? **The deceitful** [***harammai***] **hunter,**[N] i.e., one who tricks people into believing that he has acquired vast stores of knowledge by studying new material without reviewing that which he has already learned, **will not live** [***yiḥye***] **a long** [***ya'arikh***] **life.** According to this interpretation, *yaḥarokh* is a combination of the words *yiḥye* and *ya'arikh*.

וְרַב שֵׁשֶׁת אָמַר: צַיָּיד הָרַמַּאי יַחֲרוֹךְ. כִּי אֲתָא רַב דִּימִי אָמַר: מָשָׁל לְאָדָם שֶׁצָּד צִפֳּרִין, אִם מְשַׁבֵּר כְּנָפֶיהָ שֶׁל רִאשׁוֹנָה – כּוּלָּם מִתְקַיְּימוֹת בְּיָדוֹ, וְאִם לָאו – אֵין מִתְקַיְּימוֹת בְּיָדוֹ.

And Rav Sheshet says that the verse means the opposite: **The cunning** [***harammai***] **hunter will roast** his prey to prevent it from escaping, i.e., he reads the verse as a rhetorical question: Will not the hunter roast? **When Rav Dimi came** from Eretz Yisrael to Babylonia, **he said: This is comparable to a person who is hunting birds; if he breaks the wings of the first** bird so that it will be unable to fly off, and he proceeds in this manner, **all of** his prey **will remain in his possession; but if not,** they **will not remain in his possession,** as each bird will fly off when the next is captured. In a similar fashion, a clever student reviews that which he learns, to ensure that he retains his knowledge.

״וְהָיָה כְּעֵץ שָׁתוּל עַל פַּלְגֵי מָיִם״, אָמְרִי דְּבֵי רַבִּי יַנַּאי: כְּעֵץ שָׁתוּל וְלֹא כְּעֵץ נָטוּעַ, כָּל הַלּוֹמֵד תּוֹרָה מֵרַב אֶחָד – אֵינוֹ רוֹאֶה סִימָן בְּרָכָה לְעוֹלָם.

§ The Gemara returns to its interpretation of the first verses of Psalms. **"And he shall be like a tree planted** [***shatul***] **by streams of water"** (Psalms 1:3). The students of **the school of Rabbi Yannai say:** The verse states that a Torah scholar **is comparable to a tree** that has been uprooted from its original location and **replanted** [***shatul***][N] somewhere else. It does **not** say that he **is comparable to a tree that is planted** [***natu'a***] and remains in one place. This is teaching that **anyone who learns Torah from one teacher** alone **never sees a sign of blessing,** as it is necessary to acquire knowledge from many teachers.

NOTES

Initially one should drink waters out of your own cistern – בַּתְּחִלָּה שְׁתֵה מִבּוֹרֶךָ: At first one should learn from that which is available to him, just as the waters of a cistern do not flow. In time, he will merit life-giving running waters that bring forth fresh water (Rabbeinu Ḥananel). Others explain that initially one should learn from the local Sage, and afterward one should study Torah from other Sages as well, to keep his studies continuously fresh and renewed (Ra'avad).

Deceitful hunter – צַיָּיד הָרַמַּאי: By covering a lot of material on a superficial level, he tricks people into believing that he knows more Torah than he actually does. Some maintain that this is referring to one who does not review and does not understand his studies, who is essentially devoid of all knowledge (Ra'avad). Rashi explains that although the verse states about Torah: "For that is your life, and the length of your days" (Deuteronomy 30:20), in the case of this individual, he will not live a long life.

Replanted – שָׁתוּל: Some explain that this interpretation is based on the distinction between the terms planted [*natu'a*] and replanted [*shatul*] (Rashi). Others contend that the derivation is based primarily on the plural form of "streams of water," alluding to the idea that one should learn from many teachers (Rabbeinu Ḥananel).

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אֲמַר לְהוּ רַב חִסְדָּא לְרַבָּנַן: בָּעֵינָא דְּאֵימָא לְכוּ מִלְתָא, וּמִסְתַּפֵּינָא דְּשָׁבְקִיתוּ לִי וְאָזְלִיתוּ: כָּל הַלּוֹמֵד תּוֹרָה מֵרַב אֶחָד – אֵינוֹ רוֹאֶה סִימַן בְּרָכָה לְעוֹלָם, שְׁבַקוּהוּ וַאֲזוּל קַמֵּיהּ דְּרָבָא. אֲמַר לְהוּ: הָנֵי מִילֵּי סְבָרָא, אֲבָל גְּמָרָא – מֵרַב אֶחָד עָדִיף, כִּי הֵיכִי

Rav Ḥisda said to the Sages who were studying with him: **I wish to say something to you, but I am afraid that** then **you will leave me and go.** What did he wish to tell them? He wanted to say that **anyone who learns Torah from one teacher** alone **never sees a sign of blessing.** When the students heard this, they **did** in fact **leave him and went** to learn **from Rava.** Rav Ḥisda **said to them: That matter** applies only with regard to **reasoning,** i.e., in order to come up with sophisticated reasoning it is necessary to hear many different opinions. **But** with regard to the oral **tradition** itself, **it is preferable** to learn **from one teacher so that**

Perek **I**
Daf **19** Amud **b**

דְּלָא לִיפְלוֹג לִישָׁנֵי. ״עַל פַּלְגֵי מָיִם״ – אָמַר רַבִּי תַּנְחוּם בַּר חֲנִילַאי: לְעוֹלָם יְשַׁלֵּשׁ אָדָם שְׁנוֹתָיו, שְׁלִישׁ בְּמִקְרָא, שְׁלִישׁ בְּמִשְׁנָה, שְׁלִישׁ בְּתַלְמוּד.

he will not become confused by the **different versions** of the same statements he hears from each teacher, as he will have no clear authoritative version from one source. The Gemara continues discussing the verse cited above: **“By streams** [*palgei*] **of water”** (Psalms 1:3). **Rabbi Tanḥum bar Ḥanilai says:** Since the root *peh*, *lamed*, *gimmel* can also refer to dividing, the verse is interpreted as follows: **A person should always divide his years into thirds,**[H] as follows: **One third for Bible, one third for Mishna** and **one third for Talmud.**

מִי יָדַע אִינִישׁ כַּמָּה חַיֵּי? כִּי קָאָמְרִינַן – בְּיוֹמֵי.

The Gemara asks: How can one divide his life this way? **Does a person know the length of his life,** that he can calculate how much a third will be? The Gemara answers: **When we said** that a one should divide his time into thirds, the intention was **with regard to** his **days,**[N] i.e., he should devote one third of each day to Bible, Mishna, and Talmud, respectively.

״אֲשֶׁר פִּרְיוֹ יִתֵּן בְּעִתּוֹ״, אָמַר רָבָא: אִם פִּרְיוֹ יִתֵּן בְּעִתּוֹ – ״וְעָלֵהוּ לֹא יִבּוֹל״, וְאִם לָאו – עַל הַלּוֹמֵד וְעַל הַמְלַמֵּד, עֲלֵיהֶם הַכָּתוּב אוֹמֵר: ״לֹא כֵן הָרְשָׁעִים כִּי אִם״ וגו׳.

The Gemara discusses the continuation of the verse cited above: **“That brings forth its fruit in its season** and whose leaf does not wither” (Psalms 1:3). **Rava says: If one brings forth fruit in its season,**[N] i.e., if he acts in accordance with the precepts of Torah that he learns, then **his leaf will not wither,** as the Torah will sustain him. **But if** one does **not** learn with the intention that his studies should lead to action, then **with regard to** both **the one who is taught and with regard to the one who teaches,**[N] **the verse states about them: “Not so the wicked; but** they are like the chaff that the wind drives away” (Psalms 1:4).

HALAKHA

A person should always divide his years into thirds, etc. – לְעוֹלָם יְשַׁלֵּשׁ אָדָם וכו׳: One should spend equal time learning Bible, Mishna, and Talmud. The third devoted to Talmud is referring to analyzing the Torah until one understands the sources of the practical *halakha* and it is clear to him why one matter is prohibited and another is permitted. This division applies to the start of one’s studies; when one becomes more learned he should not devote equal time to the Written Law and the Oral Law. At that stage, occasionally reviewing the Torah and Mishna is sufficient, as one should spend virtually all of his time in Talmud study. Some authorities maintain that the study of the Babylonian Talmud incorporates all three, i.e., it incorporates the Bible, Mishna, and Talmud. The *Shulḥan Arukh* writes that this Gemara is the source for the custom of reciting daily the verses concerning the daily offerings (Numbers 28:1–8), the chapter discussing the location for the sacrifice of slaughtered offerings (*Zevaḥim*, chapter 5), and the *baraita* that cites the opinion of Rabbi Yishmael with respect to the method of homiletic interpretation. This practice ensures that one learns some of the Bible, Mishna, and Talmud every day (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 1:11–12; *Shulḥan Arukh*, *Yoreh De’a* 246:4, and in the comment of Rema, and *Oraḥ Ḥayyim* 50:1).

NOTES

Days – יוֹמֵי: Some commentaries maintain that the Gemara is referring to the days of the week, i.e., one should devote two days of the week to the study of Bible, two days to the Mishna, and two to the study of Talmud (Rashi), while Shabbat should be used for reviewing all the material learned over the course of the entire week (Rabbeinu Yehonatan; *Nimmukei Yosef*). The majority of the early commentaries explain that one should spend one third of his time every day to each of Bible, Mishna, and Talmud studies (*Tosafot*; Rambam; Meiri).

Brings forth fruit in its season – פִּרְיוֹ יִתֵּן בְּעִתּוֹ: Rashi offers two explanations of this phrase. Either it is referring to one who always sets aside certain times for Torah study or it is referring to one whose learning bears fruit in that he acts in accordance with the precepts of the Torah. Rashi himself favors the second explanation. Others explain that the reference is to one who issues legal decisions publicly once he is qualified to do so (Rabbeinu Elḥanan in his *Tosefot*, also cited in *Tosafot*; Rabbeinu Yona). This interpretation fits in well with the continuation of the Gemara. Some later commentaries suggest that it is a reference to learning different parts of Torah at the correct time, either with respect to the proper time to begin learning Bible, Mishna, and Talmud (Maharsha), or with regard to the cycle of the year, e.g., studying the *halakhot* of Passover on Passover (*Iyyun Ya’akov*).

With regard to the one who teaches – עַל הַמְלַמֵּד: One who teaches a wicked person is partner to a transgression, and therefore a teacher who instructs an unworthy student is considered wicked (Rashi).

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אָמַר רַבִּי אַבָּא אָמַר רַב הוּנָא אָמַר רַב, מַאי דִּכְתִיב: ״כִּי רַבִּים חֲלָלִים הִפִּילָה״? זֶה תַּלְמִיד שֶׁלֹּא הִגִּיעַ לְהוֹרָאָה וּמוֹרֶה, ״וַעֲצֻמִים כָּל הֲרוּגֶיהָ״ – זֶה תַּלְמִיד שֶׁהִגִּיעַ לְהוֹרָאָה וְאֵינוֹ מוֹרֶה.

Rabbi Abba says that **Rav Huna says** that **Rav says: What** is the meaning of that **which is written: "For she has cast down** [*hippila*] **many wounded** and a mighty host are all her slain" (Proverbs 7:26)? **This** is referring to **a student who has not** yet **reached** the level where he can render **legal decisions,**[H] **but** nevertheless **he** already **issues decisions.** He is like a fetus that emerged from the womb before its time, as the word *hippila* also means to miscarry. **"And a mighty host**[N] **are all her slain"; this** is referring to **a student who has reached** the level where he can render **legal decisions,**[H] referred to here as "a mighty host," **but he does not issue decisions,** and by refraining from teaching what he knows prevents the masses from learning Torah properly.

וְעַד כַּמָּה? עַד אַרְבְּעִין שְׁנִין. וְהָא רָבָא אוֹרֵי! הָתָם בְּשָׁוִין.

And until when is a scholar considered too immature to render legal decisions? He is considered immature **until** the age of **forty years.**[N] The Gemara asks: **But didn't Rava issue legal decisions** before that age? The Gemara answers: **There** it is permitted, as **in** Rava's case **they are equal,**[H] i.e., if one has achieved a level of knowledge that is equivalent to that of the foremost scholar in his city, he is permitted to render decisions even before reaching the age of forty.

״וְעָלֵהוּ לֹא יִבּוֹל״, אָמַר רַב אַחָא בַּר אַדָּא אָמַר רַב, וְאָמְרִי לָהּ אָמַר רַב אַחָא בַּר אַבָּא אָמַר רַב הַמְנוּנָא אָמַר רַב: שֶׁאֲפִילּוּ שִׂיחַת חוּלִין שֶׁל תַּלְמִידֵי חֲכָמִים צְרִיכָה תַּלְמוּד, שֶׁנֶּאֱמַר: ״וְעָלֵהוּ לֹא יִבּוֹל״.

The Gemara cites another discussion with regard to the aforementioned verse: **"And whose leaf does not wither"** (Psalms 1:3). **Rav Aḥa bar Adda says** that **Rav says, and some say** that it was **Rav Aḥa bar Abba** who **says** that **Rav Hamnuna says** that **Rav says:** One should know **that even** the **ordinary conversation**[N] **of Torah scholars require analysis, as it is stated: "And whose leaf does not wither."** This teaches that even the ordinary conversation of a Torah scholar, which is comparable to the leaves of a tree, has great significance like the actual fruit of the tree.

״וְכֹל אֲשֶׁר יַעֲשֶׂה יַצְלִיחַ״, אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, דָּבָר זֶה כָּתוּב בַּתּוֹרָה וְשָׁנוּי בַּנְּבִיאִים וּמְשׁוּלָּשׁ בַּכְּתוּבִים: כָּל הָעוֹסֵק בַּתּוֹרָה – נִכְסָיו מַצְלִיחִין לוֹ; כָּתוּב בַּתּוֹרָה – דִּכְתִיב: ״וּשְׁמַרְתֶּם אֶת דִּבְרֵי הַבְּרִית הַזֹּאת וַעֲשִׂיתֶם אֹתָם לְמַעַן תַּשְׂכִּילוּ אֵת כָּל אֲשֶׁר תַּעֲשׂוּן״;

The verse continues: **"And in whatsoever he does he shall prosper." Rabbi Yehoshua ben Levi says: This matter is written in the Torah, and repeated in the Prophets, and stated a third time in the Writings:** Concerning **anyone who engages in Torah** study, **his property** dealings **will be successful. It is written in the Torah, as it is written: "Observe therefore the words of this covenant, and do them, that you may make all that you do to prosper"** (Deuteronomy 29:8).

שָׁנוּי בַּנְּבִיאִים – דִּכְתִיב: ״לֹא יָמוּשׁ סֵפֶר הַתּוֹרָה [הַזֶּה] מִפִּיךָ וְהָגִיתָ בּוֹ יוֹמָם וָלָיְלָה לְמַעַן תִּשְׁמֹר לַעֲשׂוֹת כְּכָל הַכָּתוּב בּוֹ כִּי אָז תַּצְלִיחַ אֶת דְּרָכֶיךָ וְאָז תַּשְׂכִּיל״; מְשׁוּלָּשׁ בַּכְּתוּבִים – דִּכְתִיב: ״כִּי אִם בְּתוֹרַת ה׳ חֶפְצוֹ וּבְתוֹרָתוֹ יֶהְגֶּה יוֹמָם וָלָיְלָה, וְהָיָה כְּעֵץ שָׁתוּל עַל פַּלְגֵי מָיִם אֲשֶׁר פִּרְיוֹ יִתֵּן בְּעִתּוֹ וְעָלֵהוּ לֹא יִבּוֹל וְכֹל אֲשֶׁר יַעֲשֶׂה יַצְלִיחַ״.

It is repeated in the Prophets, as it is written: "This book of the Torah shall not depart out of your mouth, but you shall meditate on it day and night, that you may observe to do according to all that is written in it; for then you shall make your ways prosperous, and then you shall have good success" (Joshua 1:8). **It is stated a third time in the Writings, as it is written: "But his delight is in the Torah of the Lord; and in His Torah he meditates day and night. And he shall be like a tree planted by streams of water, that brings forth its fruit in its season, and whose leaf does not wither; and in whatsoever he does he shall prosper"** (Psalms 1:2–3).

מַכְרִיז רַבִּי אֲלַכְסַנְדְּרִי: מַאן בָּעֵי חַיֵּי? מַאן בָּעֵי חַיֵּי? כְּנוּף וַאֲתוּ כּוּלֵּי עָלְמָא לְגַבֵּיהּ, אָמְרִי לֵיהּ: הַב לָן חַיֵּי! אֲמַר לְהוּ: ״מִי הָאִישׁ הֶחָפֵץ חַיִּים וגו׳ נְצֹר לְשׁוֹנְךָ מֵרָע״ וגו׳.

The Gemara relates that **Rabbi Alexandri would proclaim** in public, in the manner of a merchant selling wares: **Who desires life? Who desires life? Everyone gathered around him** to buy from him, **saying to him: Give us life! He stated** the following verse **to them: "Who is the man that desires life,** and loves days, that he may see good in them? **Keep your tongue from evil,** and your lips from speaking guile" (Psalms 34:13–14).

״סוּר מֵרָע וַעֲשֵׂה טוֹב״ וגו׳, שָׁמָא יֹאמַר: נָצַרְתִּי לְשׁוֹנִי מֵרָע וּשְׂפָתַי מִדַּבֵּר מִרְמָה, אֵילֵךְ וְאֶתְגָּרֶה בְּשֵׁינָה? תַּלְמוּד לוֹמַר: ״סוּר מֵרָע וַעֲשֵׂה טוֹב״ – אֵין טוֹב אֶלָּא תּוֹרָה, שֶׁנֶּאֱמַר: ״כִּי לֶקַח טוֹב נָתַתִּי לָכֶם תּוֹרָתִי אַל תַּעֲזֹבוּ״.

The psalm continues: **"Depart from evil, and do good;** seek peace and pursue it" (Psalms 34:15). The Gemara explains: **Lest one say: I have kept my tongue from evil and my lips from speaking guile, I will** therefore **go and indulge in sleep.** To counter this possibility, **the verse states: "Depart from evil, and do good,"** i.e., it is not enough to avoid evil, but one must actively do good. And the word **good** means **nothing other than Torah, as it is stated: "For I have given you a good portion; My Torah, do not abandon it"** (Proverbs 4:2).

HALAKHA

Student who has not yet reached the level where he can render legal decisions – תַּלְמִיד שֶׁלֹּא הִגִּיעַ לְהוֹרָאָה: A student who has not reached the level where he is capable of rendering qualified legal decisions and nevertheless does so is considered a fool, an evildoer, and crude. With regard to such individuals the verse states (Proverbs 7:26): "For she has cast down many wounded" (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 5:4 and *Sefer Shofetim*, *Hilkhot Sanhedrin* 20:8; *Shulḥan Arukh*, *Yoreh De'a* 242:13 and *Ḥoshen Mishpat* 10:3).

Student who reaches the level where he can render legal decisions – תַּלְמִיד שֶׁהִגִּיעַ לְהוֹרָאָה: A scholar who has reached the level where he is capable of rendering legal decisions but does not do so is considered to be keeping Torah from the people, and it is as though he places stumbling blocks in front of others. With regard to him the verse states: "And a mighty host are all her slain" (Proverbs 7:26). This is true only if his generation is in need of him. If he knows that there is another Torah scholar who is capable of rendering legal decisions and it is for this reason that he refrains from doing so himself, he is praiseworthy (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 5:4 and *Sefer Shofetim*, *Hilkhot Sanhedrin* 20:8; *Shulḥan Arukh*, *Yoreh De'a* 242:14 and *Ḥoshen Mishpat* 10:3).

Equal – בְּשָׁוִין: One should not render legal decisions before reaching the age of forty if another member of the city is more qualified to do so. This is the *halakha* even if the other scholar is not his teacher (*Shulḥan Arukh*, *Yoreh De'a* 242:31, and see *Shakh* there).

NOTES

Mighty host [*atzumim*] – עֲצֻמִים: Rashi interprets the term *atzumim* as referring to closed [*atzem*], i.e., those who close themselves off from issuing legal decisions. Others explain that *atzumim* is referring literally to the mighty, those mighty Torah scholars who nevertheless refrain from issuing legal decisions (Maharal).

Until forty years – עַד אַרְבְּעִין שְׁנִין: A scholar is considered too immature to render legal decisions until he reaches the age of forty. This is alluded to by the statement of the mishna (*Avot* 5:21) that one attains wisdom at the age of forty. Some commentaries explain that the Gemara is referring to forty years from the time that one begins to study Torah (*Tosefot Ḥakhmei Angliyya*; *Tosafot* on *Sota* 22b).

Ordinary conversation – שִׂיחַת חוּלִין: Rashi states that one should learn even from the language used by Torah scholars, as one should try to imitate their language, which is clear, refined, and leads to good health (see Proverbs 12:18). Others explain, based on the parallel discussion in tractate *Sukka* 21b, that one must pay attention to the content of ordinary conversations of Torah scholars, as much Torah can be learned even from their mundane speech (Maharsha).

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״הִגִּיעַ לְכִיפָּה מָקוֹם שֶׁמַּעֲמִידִין בָּהּ עֲבוֹדָה זָרָה״. אָמַר רַבִּי אֶלְעָזָר אָמַר רַבִּי יוֹחָנָן: אִם בָּנָה – שִׁכְרוֹ מוּתָּר. פְּשִׁיטָא, מְשַׁמְּשֵׁי עֲבוֹדָה זָרָה הֵן, וּמְשַׁמְּשֵׁי עֲבוֹדָה זָרָה בֵּין לְרַבִּי יִשְׁמָעֵאל בֵּין לְרַבִּי עֲקִיבָא – אֵינָן אֲסוּרִין עַד שֶׁיֵּעָבְדוּ!

§ The mishna teaches: One may build with gentiles small platforms and bathhouses, but once **he reaches the arched chamber** in the bath **where** the gentiles **put up** objects of **idol worship,** it is prohibited for a Jew to continue building it. **Rabbi Elazar says** that **Rabbi Yoḥanan says: If he did** continue to **build** the arched chamber, **his wages are permitted.**[H] The Gemara asks: Isn't that **obvious?** After all, such arched chambers **are** only **accessories of idol worship,**[H] **and** with regard to **accessories of idol worship, both according to Rabbi Yishmael and according to Rabbi Akiva,** who disagree with regard to deriving benefit from an actual object of idol worship (51b), deriving benefit from accessories of idol worship is **not prohibited until they are worshipped.**

אָמַר רַבִּי יִרְמְיָה: לָא נִצְרְכָה אֶלָּא לַעֲבוֹדָה זָרָה עַצְמָהּ. הָנִיחָא לְמַאן דְּאָמַר: עֲבוֹדָה זָרָה שֶׁל יִשְׂרָאֵל אֲסוּרָה מִיָּד, וְשֶׁל גּוֹי עַד שֶׁתֵּעָבֵד – שַׁפִּיר, אֶלָּא לְמַאן דְּאָמַר: שֶׁל גּוֹי אֲסוּרָה מִיָּד, מַאי אִיכָּא לְמֵימַר?

Rabbi Yirmeya says: Rabbi Elazar's statement **is necessary only to** permit the wages of a Jew who built an object of **idol worship itself.** The Gemara asks: **This works out well according to the one who says** that an object of **idol worship of a Jew is forbidden immediately** once it is built, **but** it is not prohibited to derive benefit from an object of idol worship **of a gentile until it is** actually **worshipped.** In this case the idol was built for a gentile, and therefore the laborer may receive payment for his work, as the idol was never worshipped. **But according to the one who says** that an object of **idol worship of a gentile is** also **forbidden immediately, what can be said?**

אֶלָּא אָמַר רַבָּה בַּר עוּלָּא: לָא נִצְרְכָה אֶלָּא בְּמַכּוֹשׁ אַחֲרוֹן; עֲבוֹדָה זָרָה מַאן קָא גָּרִים לָהּ? גְּמַר מְלָאכָה, וְאֵימַת הָוְיָא גְּמַר מְלָאכָה? בְּמַכּוֹשׁ אַחֲרוֹן, מַכּוֹשׁ אַחֲרוֹן לֵית בֵּיהּ שָׁוֶה פְּרוּטָה.

Rather, Rabba bar Ulla says: Rabbi Elazar's statement that the worker's wages are permitted **is necessary only with regard to the final stroke**[H] with which the laborer completes his work. In the case of an object of **idol worship, what causes it** to be used for idol worship? It is **the completion of labor, and when is the completion of labor** achieved? It is achieved **with the final stroke** of the laborer. **The final stroke** alone **does not have the value of one *peruta*,** and therefore the wages he receives are due when each act of labor is performed during the entire process, not when the final stroke completes the work.

אַלְמָא קָסָבַר: יֶשְׁנָהּ לִשְׁכִירוּת מִתְּחִלָּה וְעַד סוֹף.

Evidently, Rabbi Elazar **holds** that the obligation to pay **a wage is** incurred continuously **from the beginning** of the period he was hired **to** its **end,**[H] not merely upon completion of the work. Since the worker has rights to his wages at every stage of labor performed during the entire period of work, the wages are not considered a benefit that he receives from idol worship, as the object is classified as an object of idol worship only at the very end.

מתני׳ וְאֵין עוֹשִׂין תַּכְשִׁיטִין לַעֲבוֹדָה זָרָה, קַטְלָאוֹת וּנְזָמִים וְטַבָּעוֹת; רַבִּי אֱלִיעֶזֶר אוֹמֵר: בְּשָׂכָר מוּתָּר. אֵין מוֹכְרִין לָהֶם בִּמְחוּבָּר לַקַּרְקַע, אֲבָל מוֹכֵר הוּא מְשֻׁיָּקָצִין; רַבִּי יְהוּדָה אוֹמֵר: מוֹכֵר הוּא עַל מְנָת לָקוֹץ.

MISHNA **And one may not fashion jewelry for** an object of **idol worship,** and this applies to jewelry such as **necklaces** [***katla'ot***],[L] **nose rings, and rings. Rabbi Eliezer says:** If one fashions them in exchange **for payment,** it is **permitted.**[N] The mishna returns to the issue of selling items to gentiles: **One may not sell to** a gentile any item **that is attached to the ground, but one may sell** such an item **once it is severed**[N] from the ground. **Rabbi Yehuda says:** It is not necessary to sever the item from the ground; rather, **one may sell it on the condition that it be severed.**[H]

גמ׳ מְנָהֲנֵי מִילֵּי? אָמַר רַבִּי יוֹסֵי בַּר חֲנִינָא:

GEMARA The Gemara asks: **From where is this matter,** that it is prohibited to sell to a gentile anything that is attached to the ground, derived? **Rabbi Yosei bar Ḥanina says:**

HALAKHA

If he did continue to build the arched chamber, his wages are permitted – אִם בָּנָה שִׂכָרוֹ מוּתָּר: It is prohibited to join gentiles in the construction of an arched chamber that is designed to house objects of idol worship. If one did build it, his wages are permitted. Some authorities rule that even if he built an actual idol, his wages are permitted, as indicated by the Gemara here (Rema; Rambam). This is apparently not the ruling of the *Shulḥan Arukh*, and it can be inferred from the Jerusalem Talmud and the Rif that these wages are forbidden (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:11, 7:5; *Shulḥan Arukh*, *Yoreh De'a* 143:2, and see *Taz*, *Shakh*, and *Beur HaGra* there).

Accessories of idol worship – מְשַׁמְּשֵׁי עֲבוֹדָה זָרָה: An idol of a gentile is forbidden as soon as it is built, whereas it is prohibited to derive benefit from an idol of a Jew only after it has actually been worshipped. With regard to accessories of idol worship, whether of a Jew or of a gentile, they are prohibited only once they have been used for idolatrous purposes (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:4; *Shulḥan Arukh*, *Yoreh De'a* 139:1).

Only with regard to the final stroke – אֶלָּא בְּמַכּוֹשׁ אַחֲרוֹן: In the case of one who builds an idol for others, even for gentiles, although he is punished with a flogging, his wages are permitted. The reason is that the object is considered an idol only once it is completed, and the value of the final stroke is less than one *peruta*. This *halakha* is in accordance with the opinion of Rabbi Yoḥanan and the statement of Rabba bar Ulla (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:5).

The obligation to pay a wage is incurred continuously from the beginning of the period he was hired to its end – יֶשְׁנָהּ לִשְׁכִירוּת מִתְּחִלָּה וְעַד סוֹף: A laborer's entitlement to his wage is incurred continuously as he progresses in his task, i.e., he earns a proportion of his wages as he completes each stage of his work. Consequently, if a man did not give anything to a woman but merely said to her: Be betrothed to me by means of the value of the labor I will perform for you, she is not betrothed. The reason is that his wages are considered like a loan that she owes him, and one cannot betroth another by means of a loan (Rambam *Sefer Nashim*, *Hilkhot Ishut* 5:20; *Shulḥan Arukh*, *Even HaEzer* 28:15).

One may sell it on the condition that it be severed – מוֹכֵר הוּא עַל מְנָת לָקוֹץ: One may not sell to gentiles anything that is attached to the ground in Eretz Yisrael, such as a tree or produce. It is permitted to sell an item that has been uprooted from the ground or to make a sale on the condition that the item be uprooted, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4; *Shulḥan Arukh*, *Yoreh De'a* 151:7).

LANGUAGE

Necklaces [*katla'ot*] – קַטְלָאוֹת: From the Latin catella, meaning necklace.

NOTES

For payment, it is permitted – בְּשָׂכָר מוּתָּר: *Tosafot*, among other early commentaries, question how Rabbi Eliezer could deem it permitted to fashion adornments for idols. They state that the mishna should be emended so as to delete the ruling of Rabbi Eliezer. In fact, in the version of the mishna presented in the Jerusalem Talmud, his ruling does not appear.

One may sell it once it is severed – מוֹכֵר הוּא מְשֻׁיָּקָצִין: Since the reason for this prohibition is to prevent gentiles from acquiring property in Eretz Yisrael, it is not applicable in the case of detached items. Therefore, the Sages did not extend the prohibition to such items (Meiri).

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HALAKHA

You should not give them a chance to encamp in land – לֹא תִתֵּן לָהֶם חֲנָיָיה בַּקַּרְקַע: One may not sell to a gentile any item that it attached to the ground in Eretz Yisrael to ensure that they will never have a permanent acquisition of the land (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4).

You should not give them an undeserved gift – לֹא תִתֵּן לָהֶם מַתְּנַת חִנָּם: One is not permitted to give an undeserved gift to a gentile unless one is acquainted with him or is gifting the gentile in order to foster peaceful relations between Jews and gentiles (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4–5 and *Sefer Kinyan*, *Hilkhot Zekhiya UMattana* 3:11; *Shulḥan Arukh*, *Yoreh De'a* 151:11 and *Ḥoshen Mishpat* 249:2).

These matters are as they are written – דְּבָרִים כִּכְתָבָן: One may not give an undeserved gift to an ordinary gentile, but one may give a gift to a gentile who resides in Eretz Yisrael and observes the seven Noahide mitzvot. Therefore, if one possesses an animal carcass or an animal with a wound that will cause it to die within twelve months, he should sell it to a gentile or either give or sell it to a gentile who resides in Eretz Yisrael and observes the seven Noahide mitzvot, since Jews are commanded to care for the latter. This is in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4 and *Sefer Kinyan*, *Hilkhot Zekhiya UMattana* 3:11; *Shulḥan Arukh*, *Ḥoshen Mishpat* 249:2).

NOTES

You should not give them a chance to encamp in land – לֹא תִתֵּן לָהֶם חֲנָיָיה בַּקַּרְקַע: Without owning land, they can be only temporary dwellers (Rambam); for this reason one may not sell them anything that is attached to the ground as it is also considered land (see Ritva). Another reason one may not sell them anything that is attached to the ground is that they can use the items that are attached to the ground to gain control of the land (Rashi on 20b). Meiri explains that the prohibition against selling any item attached to the ground is a decree established as an extension of the prohibition against selling land.

You should not give them favor – לֹא תִתֵּן לָהֶם חֵן: One should not let gentiles find favor in one's eyes, as this causes one to imitate their ways (Rambam).

To a resident alien [*ger*] through giving – לַגֵּר בִּנְתִינָה: Here the word *ger* does not refer, as it usually does, to a convert [*ger*] who becomes a full-fledged Jew, but to a gentile who resides in Eretz Yisrael and observes the seven Noahide mitzvot [*ger toshav*]. A *ger toshav* is permitted to eat an animal carcass. As the Gemara will soon explain, although a *ger toshav* is not a convert, nevertheless, since he has agreed to accept upon himself some of the mitzvot and is under the auspices of the Jewish people, one is obligated to care for him.

דְּאָמַר קְרָא: ״לֹא תְחָנֵּם״, לֹא תִתֵּן לָהֶם חֲנָיָיה בַּקַּרְקַע. הַאי ״לֹא תְחָנֵּם״ מִיבָּעֵי לֵיהּ דְּהָכִי קָאָמַר רַחֲמָנָא: לֹא תִתֵּן לָהֶם חֵן!

The source is **that the verse states: "You should not show them mercy** [*lo teḥonnem*]" (Deuteronomy 7:2), which is understood as meaning: **You should not give them** a chance to **encamp** [*ḥanayah*] **in,** i.e., to acquire **land**[HN] in, Eretz Yisrael. The Gemara asks: **This** phrase: "**You should not show them mercy"; isn't it necessary** to teach **that this** is what **the Merciful one is saying: You should not give them favor** [*ḥen*][N] by praising them?

אִם כֵּן, לֵימָא קְרָא: ״לֹא תְחוּנֵּם״, מַאי ״לֹא תְחָנֵּם״? שְׁמַע מִינָּהּ תַּרְתֵּי.

The Gemara answers: **If** that were **so, let the verse say: *Lo teḥunnem,*** with the letter *vav,* as then it would be evident that this is a form of the root *ḥet, vav, nun,* which means favor. **What** is the reason that the verse instead states: ***Lo teḥonnem,*** without the letter *vav*? **Conclude two** conclusions **from it,** that one may not praise them and also that one may not allow them to acquire land.

וְאַכַּתַּי מִיבָּעֵי לֵיהּ דְּהָכִי אָמַר רַחֲמָנָא: לֹא תִתֵּן לָהֶם מַתְּנַת שֶׁל חִנָּם! אִם כֵּן, לֵימָא קְרָא ״לֹא תְחִינֵּם״, מַאי ״לֹא תְחָנֵּם״? שְׁמַע מִינָּהּ כּוּלְּהוּ.

The Gemara asks: **But still,** isn't the phrase "You should not show them mercy" **necessary** to teach the *halakha* **that this** is what **the Merciful One states: You should not give them an undeserved** [*ḥinnam*] **gift?**[H] The Gemara answers: **If** that were **so, let the verse say: *Lo teḥinnem.* What** is the reason that it is spelled without the letter *yud,* as: ***Lo teḥonnem*? Learn from it all of these** three *halakhot.*

תַּנְיָא נַמִּי הָכִי: ״לֹא תְחָנֵּם״ – לֹא תִתֵּן לָהֶם חֲנָיָיה בַּקַּרְקַע; דָּבָר אַחֵר: ״לֹא תְחָנֵּם״ – לֹא תִתֵּן לָהֶם חֵן; דָּבָר אַחֵר: ״לֹא תְחָנֵּם״ – לֹא תִתֵּן לָהֶם מַתְּנַת חִנָּם.

This is also taught in a *baraita*: "**You should not show them mercy";** this teaches that **you should not give them** a chance to **encamp in** the **land** of Eretz Yisrael. **Another matter: "You should not show them mercy";** this indicates that **you should not give them favor. Another matter: "You should not show them mercy";** this teaches that **you should not give them an undeserved gift.**

וּמַתְּנַת חִנָּם גּוּפָהּ תַּנָּאֵי הִיא; דְּתַנְיָא: ״לֹא תֹאכְלוּ כָּל נְבֵלָה לַגֵּר אֲשֶׁר בִּשְׁעָרֶיךָ תִּתְּנֶנָּה וַאֲכָלָהּ אוֹ מָכוֹר לְנָכְרִי״, אֵין לִי אֶלָּא לַגֵּר בִּנְתִינָה וּלְגוֹי בִּמְכִירָה, לַגֵּר בִּמְכִירָה מִנַּיִן? תַּלְמוּד לוֹמַר: ״תִּתְּנֶנָּה...אוֹ מָכוֹר״,

The Gemara notes: **And** this issue of **an undeserved gift** to a gentile **is itself** a dispute between ***tanna'im.* As it is taught** in a *baraita*: "**You shall not eat of any unslaughtered animal carcass; you may give it to the resident alien who is within your gates, that he may eat it; or you may sell it to a foreigner;** for you are a sacred people to the Lord your God" (Deuteronomy 14:21). **I have** derived **only** that it is permitted **to a resident alien through giving**[N] **and to a gentile through selling. From where** do I derive that it is permitted to transfer an unslaughtered animal **to a resident alien through selling? The verse states: "You may give it…or you may sell it,"** meaning that one has the option to do either of these.

לְגוֹי בִּנְתִינָה מִנַּיִן? תַּלְמוּד לוֹמַר: ״תִּתְּנֶנָּה וַאֲכָלָהּ אוֹ מָכוֹר לְנָכְרִי״, נִמְצָא אַתָּה אוֹמֵר: אֶחָד גֵּר וְאֶחָד גּוֹי בֵּין בִּנְתִינָה בֵּין בִּמְכִירָה, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי יְהוּדָה אוֹמֵר: דְּבָרִים כִּכְתָבָן, לְגֵר בִּנְתִינָה וּלְגוֹי בִּמְכִירָה.

The *baraita* continues: **From where** is it derived that it is permitted **to a gentile through giving** and one is not required to sell it to him? **The verse states: "You may give it…that he may eat it; or you may sell it to a foreigner."** Therefore, **you may say** that he may transfer it to **both a resident alien and a gentile, both through giving and through selling.** This is **the statement of Rabbi Meir. Rabbi Yehuda says:** These **matters are** to be understood **as they are written;**[H] one may transfer an unslaughtered animal carcass **to a resident alien** only **through giving, and to a gentile** only **through selling,** as it is prohibited to give an undeserved gift to a gentile.

שַׁפִּיר קָאָמַר רַבִּי מֵאִיר! וְרַבִּי יְהוּדָה אָמַר לָךְ: אִי סָלְקָא דַּעְתָּךְ כִּדְקָאָמַר רַבִּי מֵאִיר, לִכְתּוֹב רַחֲמָנָא ״תִּתְּנֶנָּה וַאֲכָלָהּ וּמָכוֹר״, ״אוֹ״ לָמָּה לִי? שְׁמַע מִינָּהּ לְדִבְרִים כִּכְתָבָן הוּא דַּאֲתָא.

The Gemara comments: **Rabbi Meir is saying well,** as the verse indicates that either method is acceptable. The Gemara explains: **And Rabbi Yehuda** could have **said to you: If it enters your mind** to understand the verse **in accordance with** that which **Rabbi Meir says,** then **let the Merciful One write: You may give it** to the resident alien who is within your gates **that he may eat it, and** also **you may sell it** to a foreigner. **Why do I** need the word "**or**" between these two options? **Learn from it that it comes to** teach that **the matters are** to be understood **as they are written.**

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וְרַבִּי מֵאִיר? הַהוּא לְאַקְדּוּמֵי נְתִינָה דְּגֵר לִמְכִירָה דְּגוֹי. וְרַבִּי יְהוּדָה? כֵּיוָן דְּגֵר אַתָּה מְצַוֶּה לְהַחֲיוֹתוֹ, וְגוֹי אִי אַתָּה מְצַוֶּה לְהַחֲיוֹתוֹ, לְהַקְדִּים לָא צְרִיךְ קְרָא.

The Gemara asks: **And** how does **Rabbi Meir** explain the wording of the verse? The Gemara answers: **That** word, "or," teaches **that** one should **give precedence to giving to a resident alien**[N] **over selling to a gentile. And Rabbi Yehuda** holds that **since you are commanded to sustain a resident alien,** as it is stated: "And he shall live with you" (Leviticus 25:35), **and you are not commanded to sustain a gentile, there is no need for a verse to** teach that one should **give precedence** to a resident alien.

"דָּבָר אַחֵר: 'לֹא תְחָנֵּם' – לֹא תִתֵּן לָהֶם חֵן". מְסַיַּיע לֵיהּ לְרַב, דְּאָמַר רַב: אָסוּר לְאָדָם שֶׁיֹּאמַר: "כַּמָּה נָאָה גּוֹיָה זוֹ".

§ It is taught in the *baraita* cited earlier: **Another matter: "You should not show them favor";**[H] this teaches that **you should not give them favor** by praising them. The Gemara notes that this **supports** the opinion of **Rav. As Rav says: It is prohibited for a person to say: How beautiful is this gentile woman!**

מֵיתִיבִי: מַעֲשֶׂה בְּרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל שֶׁהָיָה עַל גַּבֵּי מַעֲלָה בְּהַר הַבַּיִת, וְרָאָה גּוֹיָה אַחַת נָאָה בְּיוֹתֵר, אָמַר: "מָה רַבּוּ מַעֲשֶׂיךָ ה'"! וְאַף רַבִּי עֲקִיבָא רָאָה אֵשֶׁת טוּרְנוּסְרוּפוּס הָרָשָׁע, רַק שָׂחַק וּבָכָה; רַק – שֶׁהָיְתָה בָּאָה מִטִּיפָּה סְרוּחָה, שָׂחַק – דַּעֲתִידָה דִּמְגַיְּירָא וְנָסֵיב לָהּ, בָּכָה – דְּהַאי שׁוּפְרָא בָּלֵי עַפְרָא!

The Gemara **raises an objection** from a *baraita*: There was **an incident involving Rabban Shimon ben Gamliel,**[P] **who was on a step on the Temple mount, and he saw a certain gentile woman who was exceptionally beautiful** and **said: "How great are Your works, O Lord!"** (Psalms 104:24). **And Rabbi Akiva too,** when he **saw the wife of the wicked Turnus Rufus**[P] **he spat, laughed, and cried. He spat, as she was created from a putrid drop; he laughed, as** he foresaw that **she was destined to convert and he would marry her; he cried, as this beauty** would ultimately **be consumed by dirt.**

וְרַב: אוֹדוּיֵי הוּא דְּקָא מוֹדֶה, דְּאָמַר מָר: הָרוֹאֶה בְּרִיּוֹת טוֹבוֹת, אוֹמֵר: "בָּרוּךְ שֶׁכָּכָה בָּרָא בְּעוֹלָמוֹ".

And how would **Rav** explain the incident involving Rabban Gamliel, who praised the beauty of a gentile? The Gemara answers: Rabban Gamliel **was giving thanks to** God for creating such beautiful people rather than praising the gentile herself. **As the Master said: One who sees beautiful** or otherwise outstanding **creatures**[H] **recites: Blessed** be He, **Who has created such in His world.**

וּלְאִסְתַּכּוּלֵי מִי שָׁרֵי? מֵיתִיבִי: "וְנִשְׁמַרְתָּ מִכֹּל דָּבָר רָע" – שֶׁלֹּא יִסְתַּכֵּל אָדָם בְּאִשָּׁה נָאָה וַאֲפִילּוּ פְּנוּיָה, בְּאֵשֶׁת אִישׁ וַאֲפִילּוּ מְכוֹעֶרֶת,

But is it permitted to gaze upon a woman? The Gemara **raises an objection** from a *baraita*. The verse states: **"And you shall keep yourself from every evil thing"** (Deuteronomy 23:10);[N] this teaches **that a person should not gaze upon a beautiful woman,**[H] **even** if she is **unmarried; and** a person should not gaze upon **a married woman, even** if she is **ugly;**

NOTES

To give precedence to giving to a resident alien – לְאַקְדּוּמֵי נְתִינָה דְּגֵר: The verse teaches that if there is present a gentile who resides in Eretz Yisrael and observes the seven Noahide mitzvot, it is a mitzva to give him the animal carcass as a present rather than selling it (Rashi).

You shall keep yourself from every evil thing – וְנִשְׁמַרְתָּ מִכֹּל דָּבָר רָע: The subsequent verse speaks of one who experiences a seminal emission, to teach that these matters are connected (Rashi on 20b).

HALAKHA

You should not show them favor – לֹא תִתֵּן לָהֶם חֵן: It is prohibited to praise gentiles, even to praise their beauty, and certainly to laud their actions. It is permitted to praise God who created such beautiful creatures, even in reference to a specific gentile (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4; *Shulḥan Arukh*, *Yoreh De'a* 151:14).

One who sees beautiful creatures – הָרוֹאֶה בְּרִיּוֹת טוֹבוֹת: One who sees exceptionally beautiful people, animals, or trees recites: Blessed…Who has such in His world. One also recites this blessing upon the sight of an exceptionally beautiful gentile (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 10:13; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 225:10, and *Magen Avraham* there).

A person should not gaze upon a beautiful woman – שֶׁלֹּא יִסְתַּכֵּל אָדָם בְּאִשָּׁה נָאָה: One must distance oneself from women, refraining from engaging with them in a frivolous manner and taking care not to gaze upon a beautiful woman. It is permitted to look at an unmarried woman in order to decide whether to marry her, but one may not do so for the purpose of self-gratification (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 21:2–3; *Shulḥan Arukh*, *Even HaEzer* 21:1, 3).

PERSONALITIES

Rabban Shimon ben Gamliel – רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל: The reference here is to Rabban Shimon ben Gamliel the Elder, who followed in the footsteps of his father, Rabban Gamliel the Elder, and his grandfather, Hillel the Elder, and served as *Nasi*. According to his own testimony, he was raised among the Sages (*Avot* 1:17). Josephus relates that Rabban Shimon ben Gamliel was appointed *Nasi* eighteen years prior to the destruction of the Temple. From the little we know about him, he was a forceful yet pious individual. The mishna records his sensitivity to community needs and describes how he brought down the price of turtledoves in Jerusalem by ruling that women needed to bring only one offering even after several births (*Karetot* 8a).

Rabban Shimon ben Gamliel supported the rebels in their revolt against Roman rule, and according to tradition he was one of the Ten Martyrs killed before the Temple was destroyed. His son, Rabban Gamliel of Yavne, served as *Nasi* after Rabban Yoḥanan ben Zakkai.

Turnus Rufus – טוּרְנוּסְרוּפוּס: Turnus Rufus refers to the Roman governor Quintus Tineius Rufus, who ruled Judea at the time of the bar Kokheva revolt, which he depressed with great cruelty. For this reason, he was dubbed Turnus Rufus, a deliberate distortion of his name alluding to the phonetically similar Greek word for tyrant, τύραννος, *turannos*. As related here, he engaged in theological debates with Rabbi Akiva, whom he later commanded to be tortured and killed. It is related in tractate *Ta'anit* 29a that he also ordered the plowing of the Sanctuary as a symbol of its utter destruction.

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וְלֹא בִּבְגָדֵי צֶבַע [שֶׁל] אִשָּׁה, וְלֹא בַּחֲמוֹר וְלֹא בַּחֲמוֹרָה וְלֹא בַּחֲזִיר וְלֹא בַּחֲזִירָה וְלֹא בְּעוֹפוֹת בִּזְמַן שֶׁנִּזְקָקִין זֶה לָזֶה, וַאֲפִילּוּ מָלֵא עֵינַיִם כְּמַלְאַךְ הַמָּוֶת;

and a person should **not** gaze upon **the colored garments**[H] **of a woman; and** a person should **not** gaze **at a male donkey, at a female donkey,**[H] **at a pig, at a sow, or at fowl, when they are mating; and even** if one were **full of eyes**[N] **like the Angel of Death** and saw from every direction, it is not permitted to look.

אָמְרוּ עָלָיו עַל מַלְאַךְ הַמָּוֶת שֶׁכּוּלּוֹ מָלֵא עֵינַיִם, בְּשָׁעַת פְּטִירָתוֹ שֶׁל חוֹלֶה עוֹמֵד מֵעַל מְרַאשׁוֹתָיו, וְחַרְבּוֹ שְׁלוּפָה בְּיָדוֹ וְטִיפָּה שֶׁל מָרָה תְּלוּיָה בּוֹ. כֵּיוָן שֶׁחוֹלֶה רוֹאֶה אוֹתוֹ, מְזַדַּעֲזֵעַ וּפוֹתֵחַ פִּיו, וְזוֹרְקָהּ לְתוֹךְ פִּיו. מִמֶּנָּה מֵת, מִמֶּנָּה מַסְרִיחַ, מִמֶּנָּה פָּנָיו מוֹרִיקוֹת!

They said about the Angel of Death[N] **that he is entirely full of eyes. When a sick person is** about to **die,** the Angel of Death **stands above his head, with his sword drawn in his hand, and a drop of poison hanging on** the edge of the sword. **Once the sick person sees him, he trembles and** thereby **opens his mouth; and** the Angel of Death **throws** the drop of poison **into his mouth. From** this drop of poison the sick person **dies, from it he putrefies, from it his face becomes green.**

קָרֶן זָוִית הֲוַאי.

The Gemara answers: Rabban Gamliel did not intentionally look at the woman; rather, he **was** walking around **a corner** and he saw her unexpectedly as they each turned.

״וְלֹא בִּבְגָדֵי צֶבַע [שֶׁל] אִשָּׁה״. אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: אֲפִילּוּ שְׁטוּחִין עַל גַּבֵּי כּוֹתֶל. אָמַר רַב פַּפָּא: וּבְמַכִּיר בַּעֲלֵיהֶן. אָמַר רָבָא: דַּיְקָא נַמִּי, דְּקָתָנֵי: ״וְלֹא בִּבְגָדֵי צֶבַע אִשָּׁה״, וְלָא קָתָנֵי ״וְלֹא בִּבְגָדֵי צִבְעוֹנִין״, שְׁמַע מִינָּהּ.

With regard to the statement in the *baraita*: **Nor** may one gaze **at the colored garments of a woman,**[B] **Rav Yehuda says** that **Shmuel says:** This is the *halakha* **even** if **they are spread on a wall,** not only when they are being worn. **Rav Pappa says: And** the prohibition applies only **when one knows their owner. Rava said:** The language of the *baraita* **is also precise, as it teaches: Nor** may one gaze **at the colored garments of a woman, and it does not teach: Nor** may one gaze **at colored garments. Learn from it** that the prohibition applies only to the garments of one he knows.

אֲמַר רַב חִסְדָּא: הָנֵי מִילֵּי בְּעַתִּיקֵי, אֲבָל בְּחַדָּתֵי לֵית לָן בָּהּ; דְּאִי לָא תֵּימָא הָכִי, אֲנַן מָנָא לְאַשְׁפּוּרֵי הֵיכִי יָהֲבִינַן? הָא קָא מִסְתַּכֵּל!

Rav Ḥisda said: That statement applies only **in** the case of **old** garments, i.e., garments that have been worn; **but in** the case of **new** garments, **we have no** problem **with it.** The reason is **that if you do not say so, how can we give** a woman's **garment** before it is worn **to a launderer,** i.e., one who prepares new garments for use, knowing that the launderer must **look** at the garments?

וּלְטַעֲמֵיךָ, הָא דְּאָמַר רַב יְהוּדָה: מִין בְּמִינוֹ מוּתָּר לְהַכְנִיס כְּמִכְחוֹל בְּשִׁפּוֹפֶרֶת, הָא קָא מִסְתַּכֵּל! אֶלָּא בַּעֲבִידְתֵּיהּ טְרִיד, הָכִי נַמִּי בַּעֲבִידְתֵּיהּ טְרִיד.

The Gemara refutes this proof: **But according to your reasoning,** i.e., your assumption that a launderer is no different from all other men, there is a similar difficulty with **that which Rav Yehuda says:** If one wishes to mate an animal of one **species with** an animal of **its own species,** it is **permitted to insert** the male organ into the female **like a brush into a tube.**[HB] One could ask here as well: **But isn't he looking** at the animals as they mate? **Rather, he is occupied with his work,** and therefore his mind will not entertain sinful thoughts. **So too** with regard to a launderer, **he is occupied with his work,** and therefore a launderer differs from other men.

HALAKHA

Colored garments – בִּבְגָדֵי צֶבַע: One may not look at the colored garments that belong to a woman whom one recognizes, even if she is not wearing them at the time, lest one come to contemplate sinning. This is in accordance with the statements of Rav Yehuda and Rav Pappa (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 21:21; *Shulḥan Arukh*, *Even HaEzer* 21:1).

Not at a male donkey or at a female donkey – לֹא בַּחֲמוֹר וְלֹא בַּחֲמוֹרָה: One should not look at animals or birds while they are mating (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 21:20; *Shulḥan Arukh*, *Even HaEzer* 23:3).

To insert the male organ into the female like a brush into a tube – לְהַכְנִיס כְּמִכְחוֹל בְּשִׁפּוֹפֶרֶת: It is permitted for those who raise livestock to manually breed animals, as they are occupied with their work, and they will not entertain sinful thoughts (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 21:20; *Shulḥan Arukh*, *Even HaEzer* 23:3).

NOTES

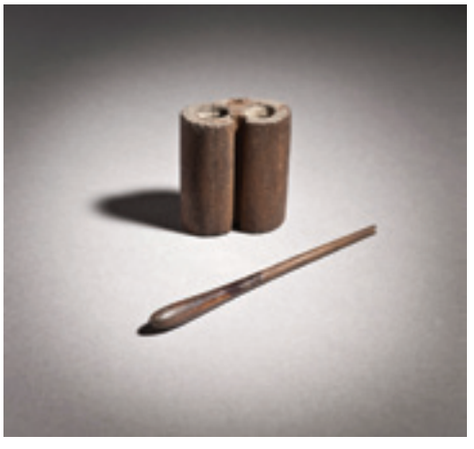
Full of eyes, etc. – מָלֵא עֵינַיִם וכו': In other words, even if it feels as though one is full of eyes, as he wishes to gaze and it is difficult to look away, he must still refrain from doing so (*Tosefot Ḥakhmei Angliyya*). Others explain that this is referring to a case where one is surrounded by women in every direction, such that wherever one looks he sees a woman (*Iyyun Ya'akov*).

They said about the Angel of Death – אָמְרוּ עָלָיו עַל מַלְאַךְ הַמָּוֶת: The basis for this image is the verse that states that the Angel of Death "roams all over the earth" (Job 1:7), and it is as though he can see everything, as no person can hide from him (*Iyyun Ya'akov*).

BACKGROUND

Colored garments of a woman – בִּבְגָדֵי צֶבַע שֶׁל אִשָּׁה: Based on written records and the little archeological evidence that exists, it seems that male garments generally consisted of one color, which was either the natural color of the fibers that made up the cloth, a brownish yellow color, or black. Some would add ornamental patterns to the fabric. Sometimes they would add stripes of a brighter color, such as stripes of purple, to special garments. Women's work garments also consisted of one basic color. Their festive garments, as well as garments that signified a special relationship and were intended to draw attention, were many-colored and embroidered (see Judges 5:30). For this reason, women's colored garments were considered provocative, even when they were not being worn.

Like a brush [*kemikhḥol*] into a tube – כְּמִכְחוֹל בְּשִׁפּוֹפֶרֶת: *Kaḥol* was a dark blue or black dye that was extracted from the mineral antimony trioxide. The crystals of the mineral were ground up and used by women for painting their eyes, thereby accenting them and giving the impression that their eyes were larger than they actually were. *Kaḥol* was also used as a cure for eye ailments. This material was stored in a thin tube, or in a pair of connected tubes from where it was removed with an applicator, apparently a thin reed or rod.



Double kohl tube

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אָמַר מָר: מִמֶּנָּה מֵת. נֵימָא, פְּלִיגָא דַּאֲבוּהּ דִּשְׁמוּאֵל, דְּאָמַר אֲבוּהּ דִּשְׁמוּאֵל, אָמַר לִי מַלְאַךְ הַמָּוֶת: אִי לָא דְּחֵיישְׁנָא לִיקָרָא דִּבְרָיְיתָא, הֲוָה פָּרֵעְנָא בֵּית הַשְׁחִיטָה כִּבְהֵמָה? דִּלְמָא הַהִיא טִיפָּה מְחַתְּכָה לְהוּ לְסִימָנִין.

The Master said above in the *baraita*: **From** this drop of poison on the Angel of Death's sword, the sick person **dies.** The Gemara asks: **Shall we say** that this opinion **disagrees** with a statement **of Shmuel's father? As Shmuel's father says: The Angel of Death said to me: Were I not concerned for human dignity, I would uncover the place of the** incision of the **slaughter, as** one does to **an animal** that is slaughtered. This indicates that the Angel of Death kills by slaughtering his victims with his sword, not by poisoning them. The Gemara answers: **Perhaps that drop** of poison **cuts the two organs that must be severed in ritual slaughter,** i.e., the trachea and the esophagus, and thereby slaughters people.

"מִמֶּנָּה מַסְרִיחַ". מְסַיַּיע לֵיהּ לְרַבִּי חֲנִינָא בַּר כָּהֲנָא, דְּאָמַר רַבִּי חֲנִינָא בַּר כָּהֲנָא, אָמְרִי בֵּי רַב: הָרוֹצֶה שֶׁלֹּא יַסְרִיחַ מֵתוֹ, יַהֲפְכֶנּוּ עַל פָּנָיו.

The Gemara notes that the continuation of the *baraita*, which states that **from** this drop of poison a corpse **putrefies, supports** the opinion **of Rabbi Ḥanina bar Kahana. As Rabbi Ḥanina bar Kahana says** that **they say in the school of Rav: One who wishes that his dead** relative **will not putrefy should turn it on its face** immediately, as the drop of poison enters through the mouth, and this causes the putrefaction of the corpse.

תָּנוּ רַבָּנַן: "וְנִשְׁמַרְתָּ מִכֹּל דָּבָר רָע" – שֶׁלֹּא יְהַרְהֵר אָדָם בַּיּוֹם וְיָבוֹא לִידֵי טוּמְאָה בַּלַּיְלָה.

The Gemara cites another source that interprets the verse cited above. **The Sages taught** a *baraita* explaining the verse: **"And you shall keep yourself from every evil thing"** (Deuteronomy 23:10), which is immediately followed by the verse: "If there be among you any man who is not ritually pure by reason of that which happened to him by night" (Deuteronomy 23:11). This teaches **that a person should not think** impure thoughts **by day**[H] **and** thereby **come to** the **impurity** of an emission **by night.**

מִכָּאן אָמַר רַבִּי פִּנְחָס בֶּן יָאִיר: תּוֹרָה מְבִיאָה לִידֵי זְהִירוּת, וְזְהִירוּת מְבִיאָה לִידֵי זְרִיזוּת, זְרִיזוּת מְבִיאָה לִידֵי נְקִיּוּת, נְקִיּוּת מְבִיאָה לִידֵי פְּרִישׁוּת, פְּרִישׁוּת מְבִיאָה לִידֵי טָהֳרָה, טָהֳרָה מְבִיאָה לִידֵי חֲסִידוּת, חֲסִידוּת מְבִיאָה לִידֵי עֲנָוָה, עֲנָוָה מְבִיאָה לִידֵי יִרְאַת חֵטְא, יִרְאַת חֵטְא מְבִיאָה לִידֵי קְדוּשָּׁה, קְדוּשָּׁה מְבִיאָה לִידֵי רוּחַ הַקּוֹדֶשׁ, רוּחַ הַקּוֹדֶשׁ מְבִיאָה לִידֵי תְּחִיַּית הַמֵּתִים; וַחֲסִידוּת גְּדוֹלָה מִכּוּלָּן, שֶׁנֶּאֱמַר: "אָז דִּבַּרְתָּ בְחָזוֹן לַחֲסִידֶיךָ".

From here Rabbi Pineḥas ben Ya'ir would **say: Torah** study **leads to care**[N] in the performance of mitzvot. **Care** in the performance of mitzvot **leads to diligence**[N] in their observance. **Diligence leads to cleanliness** of the soul. **Cleanliness**[N] of the soul **leads to abstention** from all evil.[N] **Abstention** from evil **leads**[H] **to purity**[N] and the elimination of all base desires. **Purity leads to piety.**[N] **Piety leads to humility.**[N] **Humility leads to fear of sin.**[N] **Fear of sin leads to holiness. Holiness leads to the Divine Spirit. The Divine Spirit leads to the resurrection of the dead.**[N] **And piety is greater than all of them, as it is stated: "Then You did speak in a vision to Your pious ones"** (Psalms 89:20).

HALAKHA

A person should not think impure thoughts by day – שֶׁלֹּא יְהַרְהֵר אָדָם בַּיּוֹם: One should not think lustful thoughts, as this may result in his experiencing a seminal emission (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 21:19; *Shulḥan Arukh*, *Even HaEzer* 23:3).

Abstention [*perishut*] leads, etc. – פְּרִישׁוּת מְבִיאָה וכו': Even though the *halakha* permits one to eat and drink ritually impure foods if one is not going to enter a sanctified place or touch sanctified objects, the early generations of pious men would eat only ritually pure foods and would always take care to avoid becoming impure. They were called: Those who separated themselves [*perushim*]. Abstention leads to bodily purity, and bodily purity leads to the holiness of the soul, while holiness of the soul leads to imitation of God's ways. This is in accordance with the statement of Rabbi Pineḥas ben Ya'ir, according to the version of the Jerusalem Talmud (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 16:12, and *Kesef Mishne* there).

NOTES

Torah study leads to care – תּוֹרָה מְבִיאָה לִידֵי זְהִירוּת: The very fact that one engages in Torah study protects him from sin. Furthermore, by studying the Torah one learns how to take care and avoid situations involving temptation (Rashi).

Diligence – זְרִיזוּת: Apparently Rashi's version of the text has diligence listed before care [*zehirut*], as Rashi explains that diligence is the action taken to safeguard oneself from situations that may encourage one to sin, while care is the ability to refrain from sinning when such an opportunity presents itself. Most versions of the text state that care leads to diligence, and therefore diligence is considered the loftier trait. The Maharal explains that care leads to diligence in distancing oneself from sin. The Ra'avad explains that one employs the attribute of care beforehand, by exercising one's foresight, and one acts diligently when actually presented with the situation.

Cleanliness – נְקִיּוּת: This is referring to cleanliness from all iniquity (Rashi) and from all evil thoughts (Ra'ah; Riaz). Others add that it also means literally the cleanliness of one's body and garments, which is also a contributing factor to the perfection of one's soul (Ya'avetz).

Abstention from all evil – פְּרִישׁוּת: Rashi states that he abstains even from permitted matters to ensure that he will not stumble or desire anything forbidden. Others explain that this is referring to prayer, i.e., one abstains from worldly matters and engages in prayer (Maharsha).

Purity – טָהֳרָה: Rashi maintains that purity is a more elevated attribute than cleanliness, as it connotes absolute cleanliness, free of any blemish whatsoever. The commentaries note that abstention leads to this attribute because one who abstains from evil will gradually attain a state where he is no longer drawn to evil (Riaz; Maharal). Others explain that purity is referring to matters of ritual purity, which are prescribed by decree of the Torah, in contrast to behavior whose appropriateness is a matter of logical reasoning, such as cleanliness. Indeed, pious men of the early generations were meticulous with regard to maintaining ritual purity, as doing so can purify the soul (Ya'avetz).

Purity leads to piety – טָהֳרָה מְבִיאָה לִידֵי חֲסִידוּת: By abstaining from all matters of this world and purifying one's heart from its desires, one learns to love God and people and to act in a manner that goes beyond the letter of the law, which is the meaning of piety. Some write that piety is a state in which all of one's actions are performed in the name of Heaven (Ra'ah).

Piety leads to humility – חֲסִידוּת מְבִיאָה לִידֵי עֲנָוָה: A pious person lacks nothing and does not concern himself with his own welfare, and he certainly must be humble, as he does not respond when shamed (Maharshdam).

Humility leads to fear of sin, etc. – עֲנָוָה מְבִיאָה לִידֵי יִרְאַת חֵטְא וכו': When one does not believe oneself to be perfect and incapable of sin, he is careful to avoid temptation. Alternatively, by minimizing one's own importance and caring only about the wishes and honor of God, he is fearful of performing any act that would be contrary to God's wishes. This will bring the individual to a state of holiness, as his sole aim is to fulfill the Divine will. He thereby becomes like a chariot for God and is granted the Divine spirit (see Maharshdam and *Mesillat Yesharim*).

The Divine Spirit leads to the resurrection of the dead – רוּחַ הַקּוֹדֶשׁ מְבִיאָה לִידֵי תְּחִיַּית הַמֵּתִים: This means that he will merit to resurrect the dead through his prayers, as did the prophets, the righteous, and the Sages of the Mishna (*Nimmukei Yosef*). The *Maharshdam* explains that this also means he will cause others to repent, as the wicked are considered as if they were dead. He, in turn, resurrects their souls. This is in keeping with the statement of the Sages: Any person who has the fear of Heaven, his words are heeded (*Berakhot* 6b).

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וּפְלִיגָא דְּרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, דְּאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: עֲנָוָה גְּדוֹלָה מִכּוּלָּן, שֶׁנֶּאֱמַר: ״רוּחַ ה׳ אֱלֹהִים עָלָי יַעַן מָשַׁח ה׳ אוֹתִי לְבַשֵּׂר עֲנָוִים״, ״חֲסִידִים״ לֹא נֶאֱמַר, אֶלָּא ״עֲנָוִים״, הָא לָמַדְתָּ שֶׁעֲנָוָה גְּדוֹלָה מִכּוּלָּן.

And this statement **disagrees** with the opinion **of Rabbi Yehoshua ben Levi, as Rabbi Yehoshua ben Levi says: Humility is greater than all of them, as it is stated: "The spirit of the Lord God is upon me; because the Lord has anointed me to bring good tidings to the humble"** (Isaiah 61:1). Since **the pious is not stated,**[N] but **rather "the humble," you learn that humility is greater than all of them.**

״אֵין מוֹכְרִין לָהֶן״ וכו׳. תָּנוּ רַבָּנַן: מוֹכְרִין לָהֶן אִילָן עַל מְנָת לָקוֹץ וְקוֹצֵץ, דִּבְרֵי רַבִּי יְהוּדָה, רַבִּי מֵאִיר אוֹמֵר: אֵין מוֹכְרִין לָהֶן אֶלָּא קְצוּצָה; שַׂחַת עַל מְנָת לִגְוֹז וְגוֹזֵז, דִּבְרֵי רַבִּי יְהוּדָה, רַבִּי מֵאִיר אוֹמֵר: אֵין מוֹכְרִין לָהֶן אֶלָּא גְּווּזָה; קָמָה עַל מְנָת לִקְצוֹר וְקוֹצֵר, דִּבְרֵי רַבִּי יְהוּדָה, רַבִּי מֵאִיר אוֹמֵר: אֵין מוֹכְרִין אֶלָּא קְצוּרָה.

§ The mishna teaches that **one may not sell to** a gentile any item that is attached to the ground. **The Sages taught: One may sell to them a tree on the condition that he cut** it **down, and** the buyer **cuts** it **down;** this is **the statement of Rabbi Yehuda. Rabbi Meir says: One may sell to them only** a tree that has actually been **cut down.** Similarly, one may sell to them **fodder,** i.e., produce that has grown stalks but is not yet ripe, **on the condition to cut** it **down, and he cuts** it **down;** this is **the statement of Rabbi Yehuda. Rabbi Meir says: One may sell to them only** fodder that has been **cut down.** So too, one may sell to them **standing grain on the condition to harvest** it, **and he harvests** it; this is **the statement of Rabbi Yehuda. Rabbi Meir says: One may sell to them only harvested** grain.

וְצָרִיכָא, דְּאִי אַשְׁמְעִינַן אִילָן – בְּהָא קָאָמַר רַבִּי מֵאִיר, כֵּיוָן דְּלָא פָּסֵיד מַשְׁהֵי לֵיהּ, אֲבָל הַאי דְּכִי מַשְׁהֵי לָהּ פָּסֵיד – אֵימָא מוֹדֵי לֵיהּ לְרַבִּי יְהוּדָה;

The Gemara comments: **And** it is **necessary** to state the *halakha* in each of these different scenarios. **As, had** the *baraita* **taught us** the dispute only with regard to **a tree,** I might have said that it is only **in that** case that **Rabbi Meir says** it must be cut down before being sold. The reason is that **since** the gentile **does not lose out** by keeping the tree in the soil, he might **keep it** in the ground. **But** in **this** case of standing grain, **since** if **he keeps it** in the ground **he will lose out,** one might **say** that Rabbi Meir **concedes to Rabbi Yehuda** that it may be sold before being harvested, on the condition that the gentile will harvest it, because the gentile would not leave the grain in the soil to spoil.

וְאִי אַשְׁמְעִינַן בְּהָנֵי תַּרְתֵּי – מִשּׁוּם דְּלָא יְדִיעַ שִׁבְחַיְיהוּ, אֲבָל שַׂחַת דְּיָדִיעַ שִׁבְחַיְיהוּ – אֵימָא מוֹדֵי לֵיהּ לְרַבִּי מֵאִיר;

And had the *baraita* **taught us** only **these two**[N] *halakhot,* one might have said that Rabbi Yehuda permits selling these items on the condition that they be cut down **because the improvement** to the tree or grain **is not recognizable** when it is left in the ground. **But** in the case of **fodder, whose improvement is recognizable,** as it would continue to grow and ripen if left in the ground, one might **say** that Rabbi Yehuda **concedes to Rabbi Meir** that we are concerned that the gentile will not cut down the fodder, and therefore one may sell it only once it has been cut down.

וְאִי אַשְׁמְעִינַן בְּהָא – בְּהָא קָאָמַר רַבִּי מֵאִיר, אֲבָל בְּהָנָךְ אֵימָא מוֹדֵי לֵיהּ לְרַבִּי יְהוּדָה, צְרִיכָא.

And furthermore, **had** the *baraita* **taught us** only the dispute **in this** case of fodder, one might have said that it is merely **in this** case that **Rabbi Meir says** it must be cut down before being sold, **but with regard to those** cases of a tree or standing grain, one might **say** that **he concedes to Rabbi Yehuda** that one may sell these items before they are harvested on the condition that the gentile will harvest them, as there is no recognizable improvement to them if they are left in the ground. Consequently, it is **necessary** for the dispute to be stated in all three cases.

אִיבַּעְיָא לְהוּ: בְּהֵמָה עַל מְנָת לִשְׁחוֹט, מַהוּ?

A dilemma was raised before the Sages: With regard to the sale of large livestock, which is forbidden due to the concern that the gentile might use them to perform labor (see 14b), if such **livestock** are sold **on the condition that** the gentile will **slaughter** them, **what is** the *halakha*?

הָתָם טַעְמָא מַאי שָׁרֵי רַבִּי יְהוּדָה – דְּלָאו בִּרְשׁוּתֵיהּ קַיְימִי וְלָא מָצֵי מַשְׁהֵי לְהוּ, אֲבָל בְּהֵמָה, כֵּיוָן דִּבְרְשׁוּתֵיהּ דְּגוֹי קַיְימָא מַשְׁהֵי לָהּ, אוֹ דִלְמָא לָא שְׁנָא?

The Gemara explains the aspects of the dilemma: **There,** in the mishna, **what is the reason** that **Rabbi Yehuda permits** the sale of a tree on the condition that the gentile will cut it down? Is the reason **that** the trees are **not in** the gentile's **domain and** therefore **he is not able to keep them,** as the Jew will force him to cut them down? **But** in the case of large **livestock, since** the animal **stands in the domain of the gentile** once it is sold, there is a concern that he might **keep it** and not slaughter it. **Or perhaps there is no difference** between the cases, and Rabbi Yehuda would permit one to sell even large livestock to a gentile, on the condition that he will slaughter the animals.

NOTES

Piety is the greatest of them all, etc. – חֲסִידוּת גְּדוֹלָה מִכּוּלָּן וכו׳: This accords with alternate versions of the *baraita*, which list piety as the culmination of all positive attributes, or at least the attribute that leads to the Divine Spirit. According to the version of the text here, it can be explained that the *baraita* does point out that the verse specifically is referring to worshippers of God as pious ones, demonstrating that piety is a greater attribute than all of the other attributes discussed here.

These two, etc. – תְּרֵי תַּרְתֵּי וכו׳: *Tosafot* point out that there is no explanation as to why all three examples are necessary, as the *baraita* could have simply taught the *halakha* in the case of standing grain and in the case of fodder, and from there the *halakha* in the case of a tree would have been obvious. Therefore, it is necessary to explain that the *baraita* employs a style whereby it begins with the obvious case and continues with less obvious cases, and therefore begins with the case of a tree.

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תָּא שְׁמַע, דְּתַנְיָא: בְּהֵמָה – עַל מְנָת לִשְׁחוֹט וְשׁוֹחֵט, דִּבְרֵי רַבִּי יְהוּדָה; רַבִּי מֵאִיר אוֹמֵר: אֵין מוֹכְרִין לוֹ אֶלָּא שְׁחוּטָה.

The Gemara suggests a resolution: **Come** and **hear, as it is taught** in a *baraita*: One may sell large **livestock** to a gentile **on the condition that** he **slaughter** it,[H] **and he slaughters** it; this is **the statement of Rabbi Yehuda. Rabbi Meir says: One may sell to** a gentile **only a slaughtered** animal.

מתני׳ אֵין מַשְׁכִּירִין לָהֶם בָּתִּים בְּאֶרֶץ יִשְׂרָאֵל וְאֵין צָרִיךְ לוֹמַר שָׂדוֹת, וּבְסוּרְיָא

MISHNA **One may not rent**[N] **a house to** a gentile **in Eretz Yisrael, and needless to say** one may not rent **fields** to them, as explained in the Gemara. **And in Syria**

HALAKHA

One may sell large livestock on the condition that he slaughters it – בְּהֵמָה עַל מְנָת לִשְׁחוֹט: One may sell large livestock to a gentile on the condition that he will slaughter it, which must take place in the Jew's presence (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:4).

NOTES

One may not rent – אֵין מַשְׁכִּירִין: This decree is an extension of the prohibition against selling houses or fields to gentiles, which itself is prohibited because of the injunction not to allow gentiles to acquire property in Eretz Yisrael (Rashi).

Perek **I**
Daf **21** Amud **a**

מַשְׁכִּירִין לָהֶם בָּתִּים אֲבָל לֹא שָׂדוֹת, וּבְחוּצָה לָאָרֶץ מוֹכְרִין לָהֶם בָּתִּים וּמַשְׁכִּירִין שָׂדוֹת, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי יוֹסֵי אוֹמֵר: בְּאֶרֶץ יִשְׂרָאֵל מַשְׁכִּירִין לָהֶם בָּתִּים אֲבָל לֹא שָׂדוֹת, וּבְסוּרְיָא מוֹכְרִין בָּתִּים וּמַשְׁכִּירִין שָׂדוֹת, וּבְחוּצָה לָאָרֶץ מוֹכְרִין אֵלּוּ וָאֵלּוּ.

one may rent houses to gentiles, **but** one may **not** rent **fields. And outside of Eretz** Yisrael **one may sell houses and rent fields to** gentiles; this is **the statement of Rabbi Meir. Rabbi Yosei says: In Eretz Yisrael one may rent**[H] **houses to** gentiles **but** one may **not** rent **fields. And in Syria**[B] **one may sell houses to them and rent fields, and outside of Eretz** Yisrael **one may sell** both **these,** houses, **and those,** fields.

אַף בְּמָקוֹם שֶׁאָמְרוּ לְהַשְׁכִּיר – לֹא לְבֵית דִּירָה אָמְרוּ, מִפְּנֵי שֶׁהוּא מַכְנִיס לְתוֹכוֹ עֲבוֹדָה זָרָה, שֶׁנֶּאֱמַר: ״לֹא תָבִיא תוֹעֵבָה אֶל בֵּיתֶךָ״. וּבְכָל מָקוֹם לֹא יַשְׁכִּיר לוֹ אֶת הַמֶּרְחָץ, מִפְּנֵי שֶׁהוּא נִקְרָא עַל שְׁמוֹ.

Even in a place with regard to **which** the Sages **said** that it is permitted for a Jew **to rent** a house to a gentile, **they did not say** that one may rent it **for** use as **a residence,**[H] **because** the gentile will **bring** objects of **idol worship into it, as it is stated: "You shall not bring an abomination into your house"** (Deuteronomy 7:26), and this is still considered the house of a Jew. **And** for the same reason, **in every place, one may not rent a bathhouse to** a gentile, **since it is called by the name of** the owner, and onlookers will think that the Jew is operating it on Shabbat.

HALAKHA

In Eretz Yisrael one may rent, etc. – בְּאֶרֶץ יִשְׂרָאֵל מַשְׁכִּירִין וכו׳: In Eretz Yisrael it is prohibited to sell houses or fields to gentiles, but it is permitted to rent houses to them. In Syria the sale of houses and not fields is permitted, but one may rent either to a gentile. Outside of Eretz Yisrael it is permitted to sell or rent houses and fields to gentiles. This is in accordance with the opinion of Rabbi Yosei and the Gemara's conclusion (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:3; *Shulḥan Arukh*, *Yoreh De'a* 151:8).

Not for use as a residence – לֹא לְבֵית דִּירָה: Even in a place where it is permitted for a Jew to rent a house to a gentile, it is permitted to rent it only for use as a storage space and not as a residence, because the gentiles will constantly bring objects of idol worship into it. This reason is based on the explanation found in *Tosafot* (Gra). The Rema writes that nowadays the accepted custom is to rent houses to gentiles to be used as residences, since the gentiles no longer bring objects of idol worship into their homes (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4; *Shulḥan Arukh*, *Yoreh De'a* 151:10, and see *Shakh* there).

Affixing a *mezuza* is the obligation of the resident – מְזוּזָה חוֹבַת הַדָּר: Affixing a *mezuza* is the obligation of the resident of the house and not a requirement for the house itself. Therefore, a tenant who is renting a property is obligated to affix a *mezuza* (Rambam *Sefer Ahava*, *Hilkhot Tefillin UMezuza VeSefer Torah* 5:11; *Shulḥan Arukh*, *Yoreh De'a* 291:2).

BACKGROUND

Syria – סוּרְיָא: Syria is the name used in the Mishna and Gemara to refer to the lands north and northeast of Eretz Yisrael that were conquered by King David. The biblical names for these areas are Aram, Aram of Damascus, and Aram-Zobah. Talmudic Syria includes much of modern-day Syria and Lebanon, although the border of Eretz Yisrael was farther north than the border of the State of Israel. Because Syria was conquered by King David, which is classified as the conquest of an individual rather than as the conquest of the entire Jewish people, and it was under Jewish jurisdiction in different periods, it is granted an intermediate halakhic status; Syria has a lesser level of sanctity than Eretz Yisrael but some of the *halakhot* pertaining to Eretz Yisrael apply to it. There are other *halakhot* that treat Syria as possessing a level of sanctity between that of Eretz Yisrael and that of outside of Eretz Yisrael.

גמ׳ מַאי ״אֵין צָרִיךְ לוֹמַר שָׂדוֹת״? אֵילֵימָא מִשּׁוּם דְּאִית בָּהּ תַּרְתֵּי: חֲדָא – חֲנָיַת קַרְקַע, וַחֲדָא – דְּקָא מַפְקַע לָהּ מִמַּעֲשֵׂר,

GEMARA **What** is the meaning of the mishna's statement: **Needless to say** one may not allow gentiles to rent **fields?** Why is the *halakha* with regard to fields more obvious than the *halakha* of houses? **If we say** that it is **because** allowing a gentile to rent a field **entails two** problems, **one** of which is aiding gentiles in **encamping** in the **land, and** the other **one** is **that** doing so **releases** the land **from** the mitzva of separating **tithe,** this cannot be correct.

אִי הָכִי, בָּתִּים נַמִּי אִיכָּא תַּרְתֵּי: חֲדָא – חֲנָיַת קַרְקַע, וַחֲדָא – דְּקָא מַפְקַע לָהּ מִמְּזוּזָה! אָמַר רַב מְשַׁרְשִׁיָא: מְזוּזָה חוֹבַת הַדָּר הוּא.

The Gemara explains why that cannot be the reason: **If that is so,** the same can be said about the prohibition against renting **houses,** as it **also involves two** problems: **One** is aiding gentiles in **encamping** in the **land, and** the other **one** is **that** it **releases** the house **from** the mitzva of ***mezuza*. Rav Mesharshiyya says** in response: Affixing **a *mezuza* is the obligation of the resident,**[H] rather than an obligation that applies to the house. Therefore, if no Jew lives in a house, it is not subject to the mitzva of *mezuza*. This means that by renting a house to a gentile one is not removing the right to perform the mitzva from the house.

״בְּסוּרְיָא מַשְׁכִּירִין בָּתִּים״ כו׳. מַאי שָׁנָא מִכִּירָה דִּלְמָא? מִשּׁוּם מִכִּירָה דְּאֶרֶץ יִשְׂרָאֵל; אִי הָכִי, מַשְׁכִּירוּת נַמִּי נִגְזוֹר! הֵיא גּוּפָהּ גְּזֵרָה, וְאָנַן נֵיקוּם וְנִגְזוֹר גְּזֵרָה לְגְזֵרָה?

The mishna teaches: **In Syria one may rent** houses but not fields to gentiles. The Gemara asks: **What is different** about **selling** houses **that** it is **not** permitted to sell houses in Syria? The Gemara answers that it is prohibited **due to** a concern that this will ultimately result in the **selling** of houses **in Eretz Yisrael.** The Gemara challenges: **If that is so, let us also issue a decree** prohibiting **renting** houses to gentiles in Syria, lest it lead to renting to gentiles in Eretz Yisrael. The Gemara explains: The prohibition against renting houses to gentiles in Eretz Yisrael **is itself** a rabbinic **decree** lest one come to sell the houses, **and shall we arise and issue** one **decree to** prevent the violation of another **decree?**

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וְהָא שְׁכִירוּת שָׂדֶה דְּבִסּוּרְיָא, דְּגָזְרָה לִגְזֵרָה הִיא, וְקָא גָּזְרִינַן! הָתָם לָאו גְּזֵרָה הִוא, קָסָבַר: כִּיבּוּשׁ יָחִיד שְׁמֵיהּ כִּיבּוּשׁ;

The Gemara challenges: **But** the prohibition against **renting a field that is in Syria is** also **a decree** whose purpose is **to** prevent the violation of another **decree,** as the prohibition against allowing a gentile to rent one's field in Eretz Yisrael is a rabbinic decree, **and** yet **we** still **issue the decree.** The Gemara explains: According to Rabbi Meir, **there,** with regard to selling houses and fields in Syria to gentiles, the prohibition **is not** merely **a decree** intended to prevent the violation of the decree with regard to Eretz Yisrael. Rather, Rabbi Meir **holds** that the **conquest of an individual**[N] **is called a conquest.** Once Syria was conquered by King David, who is considered an individual in this regard, the sanctity of Eretz Yisrael applied to it.

שָׂדֶה דְּאִית בֵּיהּ תַּרְתֵּי – גָּזְרוּ בֵּיהּ רַבָּנַן, בָּתִּים דְּלֵית בְּהוּ תַּרְתֵּי – לָא גָּזְרוּ בְּהוּ רַבָּנַן.

Therefore, **concerning a field, which has two** problems, as one releases the land from the mitzva of separating tithes and aids gentiles in acquiring land in Eretz Yisrael, **the Sages issued a decree** as a preventative measure, prohibiting the renting of fields just as in Eretz Yisrael. But **concerning houses, which do not have two** problems, **the Sages did not issue** such **a decree.**

"בְּחוּצָה לָאָרֶץ" וכו'. שָׂדֶה דְּאִית בֵּיהּ תַּרְתֵּי – גָּזְרוּ בְּהוּ רַבָּנַן, בָּתִּים דְּלֵית בְּהוּ תַּרְתֵּי – לָא גָּזְרוּ בְּהוּ רַבָּנַן.

The mishna teaches that according to Rabbi Meir, **outside of Eretz** Yisrael one may sell houses and rent fields, but one may not sell fields to gentiles. The Gemara explains: **Concerning a field, which has two** problems when it is in Eretz Yisrael, **the Sages issued a decree** preventing its sale even outside of Eretz Yisrael. **Concerning houses, which do not have two** problems, **the Sages did not issue a decree** prohibiting their sale.

"רַבִּי יוֹסֵי אוֹמֵר: בְּאֶרֶץ יִשְׂרָאֵל מַשְׁכִּירִין לָהֶם בָּתִּים" וכו'. מַאי טַעְמָא? שָׂדוֹת דְּאִית בְּהוּ תַּרְתֵּי – גָּזְרוּ בְּהוּ רַבָּנַן, בָּתִּים דְּלֵית בְּהוּ תַּרְתֵּי – לָא גָּזְרוּ בְּהוּ רַבָּנַן.

The mishna further teaches that **Rabbi Yosei says: In Eretz Yisrael one may rent houses** but not fields **to** gentiles. The Gemara explains: **What is the reason** that one may rent houses but not fields? **Concerning fields, which have two** problems, **the Sages issued a decree** as a preventive measure prohibiting the renting of fields in Eretz Yisrael. But **concerning houses, which do not have two** problems, **the Sages did not issue a decree** prohibiting renting houses to gentiles.

"וּבְסוּרְיָא מוֹכְרִין" וכו'. מַאי טַעְמָא? קָסָבַר: כִּיבּוּשׁ יָחִיד לָא שְׁמֵיהּ כִּיבּוּשׁ, וְשָׂדֶה דְּאִית בָּהּ תַּרְתֵּי – גָּזְרוּ בָּהּ רַבָּנַן, בָּתִּים דְּלֵית בְּהוּ תַּרְתֵּי – לָא גָּזְרוּ בְּהוּ רַבָּנַן.

The mishna teaches that Rabbi Yosei rules: **And in Syria one may sell** houses and rent fields to gentiles, but one may not sell fields. The Gemara asks: **What is the reason** that one may sell houses but not fields? The Gemara answers: Rabbi Yosei **holds** that the **conquest of an individual**[H] **is not called a conquest,** and therefore there is no prohibition by Torah law against selling houses in Syria. **And concerning a field, which has two** problems, **the Sages issued a decree** as a preventive measure prohibiting the sale of fields in Syria. **Concerning houses, which do not have two** problems, **the Sages did not issue a decree** prohibiting their sale.

"וּבְחוּצָה לָאָרֶץ מוֹכְרִין" וכו'. מַאי טַעְמָא? כֵּיוָן דְּמֵרָחַק לָא גָּזְרִינַן.

The mishna continues: **And outside of Eretz** Yisrael **one may sell** houses and fields. The Gemara asks: **What is the reason** for this? The Gemara answers: **Since** this land **is at a distance** from Eretz Yisrael, the Sages **do not issue a decree,** unlike Syria, which is near Eretz Yisrael.

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הֲלָכָה כְּרַבִּי יוֹסֵי. אָמַר רַב יוֹסֵף: וּבִלְבַד שֶׁלֹּא יַעֲשֶׂנָּה שְׁכוּנָה. וְכַמָּה שְׁכוּנָה? תָּנָא: אֵין שְׁכוּנָה פְּחוּתָה מִשְּׁלֹשָׁה בְּנֵי אָדָם.

In conclusion, **Rav Yehuda says** that **Shmuel says:** The ***halakha*** is **in accordance with** the opinion of **Rabbi Yosei,** that it is permitted to sell houses outside of Eretz Yisrael to gentiles. **Rav Yosef says: And** this is the *halakha* **provided that one does not make it** into a gentile **settlement.**[NH] **And how many** people constitute **a settlement?** The Sage **taught:** There is **no settlement** that consists of **fewer than three people.**

NOTES

Conquest of an individual – כִּיבּוּשׁ יָחִיד: Being that David was the king of the Jewish people, it requires an explanation as to why it is considered the conquest of an individual. Rashi on 20b explains that King David did not conquer Syria based on God's command and with the aid of the entire Jewish people. *Tosafot*, citing Rashi, explain that the conquest of Syria was not performed with the entirety of the Jewish people and the *Urim VeTummim*. Many commentaries question this explanation, as large parts of Eretz Yisrael were not conquered by the entire Jewish people.

Many early commentaries explain, based on the *Sifrei*, that all parts of Eretz Yisrael proper, i.e., areas that are within the boundaries listed in the Torah, can be conquered by an individual. But with regard to territory that does not lie within the borders of Eretz Yisrael proper, the conquest must take place in a specific manner in order for the land to become consecrated. With regard to King David's conquest of Syria, the main deficiency is that he conquered Syria before he finished capturing all of Eretz Yisrael, and therefore it is considered only an individual conquest (*Tosafot*; *Talmidei Rabbeinu Yona*). Some explain that in this context the expression: Conquest of an individual, means that this land was not conquered by the command of the Sanhedrin, but rather through the initiative of King David (Ra'ah; see Meiri). Alternatively, there are those who explain that King David never conquered Syria with the intention of bequeathing it to the Jewish people, as Joshua did when he conquered Eretz Yisrael; rather, his intention was to conquer it for his own purposes, so that he could receive taxes from its residents (Rid).

Provided that one does not make it a gentile settlement – וּבִלְבַד שֶׁלֹּא יַעֲשֶׂנָּה שְׁכוּנָה: Some explain that this passage is referring to the renting of houses in Eretz Yisrael, which is permitted according to Rabbi Yosei. If so, the concern with regard to creating a gentile settlement is referring to the prohibition against letting gentiles acquire property in Eretz Yisrael (Rambam). Other early commentaries explain that the Gemara here is addressing selling houses outside of Eretz Yisrael. According to some commentaries, the concern is that a gentile settlement might pose a danger for Jews, and therefore this is similar to the prohibition against selling weapons to gentiles, which could lead to bloodshed (*Tosafot*). For this reason, some maintain that the Gemara's statement applies to renting houses in Jewish neighborhoods, and this is in fact stated as *halakha* (*Sefer HaTeruma*).

HALAKHA

Conquest of an individual – כִּיבּוּשׁ יָחִיד: If a Jewish individual, or even a family or tribe, conquers land adjacent to Eretz Yisrael on their own, even if they conquer a portion of the land promised to Abraham, then this land is not defined as Eretz Yisrael with regard to all of the mitzvot that apply only in Eretz Yisrael (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 1:2; see *Shulḥan Arukh*, *Yoreh De'a* 331:1).

Provided that one does not make it a gentile settlement – וּבִלְבַד שֶׁלֹּא יַעֲשֶׂנָּה שְׁכוּנָה: It is prohibited to sell or rent to three gentiles in a Jewish settlement, even outside of Eretz Yisrael (*Shakh*). It is permitted to sell or rent to one or two gentiles, and there is no need to be concerned that the gentile will rent or sell to two other gentiles. This is in accordance with the statement of Rav Yosef (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:3; *Shulḥan Arukh*, *Yoreh De'a* 151:9).

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וְלֵחוּשׁ דִּלְמָא אָזֵיל הַאי יִשְׂרָאֵל וּמְזַבֵּין לְחַד גּוֹי, וְאָזֵיל הֵיאָךְ וּמְזַבֵּין לָהּ לְתַרְוַיְיהוּ? אֲמַר אַבַּיֵי: אִ״לִפְנֵי״ מִפַּקְּדִינַן, אַ״לִפְנֵי״ דְּ״לִפְנֵי״ לָא מִפַּקְּדִינַן.

The Gemara challenges: **But let us be concerned** that **perhaps this Jew will go and sell to one gentile, and the other** owners of the adjacent houses **will go and sell to two** other gentiles, resulting in a gentile settlement. **Abaye said: We are commanded about** placing a stumbling block **before** the blind (see Leviticus 19:14), but **we are not commanded about** placing a stumbling block **before** someone who may place it **before** the blind. In other words, this prohibition applies only when one causes another to sin by his direct action, not in a situation such as this, where the prohibition is two stages removed from the Jew's action.

״אַף בְּמָקוֹם שֶׁאָמְרוּ לְהַשְׁכִּיר״. מִכְּלָל דְּאִיכָּא דּוּכְתָּא דְּלָא מוֹגְרֵי,

§ The mishna teaches that **even in a place** with regard to **which** the Sages **said** that it is permitted for a Jew **to rent** a house to a gentile, they did not say that one may rent it for use as a residence. The Gemara points out: **By inference,** this means **that there is a place where one may not rent** any house to a gentile.

Perek **I**
Daf **21** Amud **b**

וְסְתָמָא כְּרַבִּי מֵאִיר, דְּאִי רַבִּי יוֹסֵי, בְּכָל דּוּכְתָּא מוֹגְרֵי.

And this **unattributed** opinion in the mishna is **in accordance with** the opinion of **Rabbi Meir. As, if** you say that this ruling is in accordance with the opinion of **Rabbi Yosei,** that cannot be, since he holds that **in every place one may rent** a house to a gentile, including Eretz Yisrael.

״וּבְכָל מָקוֹם לֹא יִשְׁכּוֹר״ וכו׳. תַּנְיָא, רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: לֹא יִשְׁכּוֹר אָדָם מֶרְחָצוֹ לְגוֹי, מִפְּנֵי שֶׁנִּקְרָא עַל שְׁמוֹ, וְגוֹי זֶה עוֹשֶׂה בּוֹ מְלָאכָה בְּשַׁבָּתוֹת וּבְיָמִים טוֹבִים.

§ The mishna teaches: **And in every place, one may not rent** a bathhouse to a gentile, as it is called by the name of the owner. The Gemara notes that **it is taught** in a *baraita* that **Rabban Shimon ben Gamliel says: A person may not rent his bathhouse to a gentile, because it is called by the name of** the owner,[H] **and this gentile uses it for performing** prohibited **labor on *Shabbatot* and on Festivals.**

אֲבָל לְכוּתִי מַאי? שָׁרֵי; כּוּתִי אֵימַר עָבֵיד בֵּיהּ מְלָאכָה בְּחוּלּוֹ שֶׁל מוֹעֵד! בְּחוּלּוֹ שֶׁל מוֹעֵד אֲנַן נַמִי עָבְדִינַן.

The Gemara asks: It is prohibited to rent one's bathhouse to a gentile, **but** with regard **to a Samaritan,**[B] **what** is the *halakha*?[N] It can be inferred from the lack of mention of a Samaritan that it is **permitted.** The Gemara asks: Why not **say** that **a Samaritan** will **perform work in** the bathhouse **during the intermediate days of a Festival?** The Gemara answers: **During the intermediate days of a Festival we too perform work** and heat bathhouses.

אֲבָל שָׂדֵהוּ לְגוֹי מַאי? שָׁרֵי, מַאי טַעְמָא? אֲרִיסָא אֲרִיסוּתֵיהּ קָעָבֵיד; מֶרְחָץ נַמִי אָמְרִי: אֲרִיסָא אֲרִיסוּתֵיהּ קָעָבֵיד! אֲרִיסָא דְּמֶרְחָץ לָא עָבְדִי אֱנָשֵׁי.

The Gemara further infers: It is prohibited to rent one's bathhouse to a gentile; **but** with regard to renting **one's field to a gentile, what** is the *halakha*? Evidently, it is **permitted. What is the reason** for this? People know that a gentile **sharecropper works for his tenancy,**[N] not for the Jewish owner. The Gemara asks: But if so, in the case of **a bathhouse as well,** why not **say** that the gentile **sharecropper works for his tenancy,** and therefore a Jew should be permitted to rent them to gentiles. The Gemara answers: **People do not** usually **make** this type of arrangement whereby a second party works as **a sharecropper of a bathhouse.**[NH] Consequently, it will be assumed that the gentile is a hired worker who is working for the Jew.

BACKGROUND

Samaritan [*Kuti*] – **כּוּתִי:** The Samaritans are the descendants of the nations displaced by Sennacherib, King of Assyria, and brought to settle in Eretz Yisrael. Eventually, they accepted upon themselves several mitzvot (see II Kings 17). At the beginning of the Second Temple period, during the times of Ezra and Nehemiah, relations between the Samaritans and the Jews deteriorated. Later the Samaritans established a center of worship on Mount Gerizim, as they claimed that the sanctity of that mountain was established by one of the Ten Commandments. Some generations of Sages recognized Samaritans as Jewish. They went so far as to say: In the mitzvot that the Samaritans adopted, they are extremely exacting in their fulfillment, even more than Jews. Ultimately, as the Samaritans continued to distance themselves from the Jewish people in virtually every regard, they were accorded the legal status of gentiles. A small community of Samaritans survives in Israel to this day, and many reside on Mount Gerizim, outside of Shechem.

HALAKHA

Because it is called by the name of the owner, etc. – מִפְּנֵי שֶׁנִּקְרָא עַל שְׁמוֹ וכו׳: It is permitted to rent one's field or vineyard to a gentile, despite the fact that they perform labor in the field on Shabbat, as onlookers realize that the gentile is renting the land or working as a tenant (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 6:15; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 243:1).

Sharecropper of a bathhouse – אֲרִיסָא דְּמֶרְחָץ: It is prohibited to rent to a gentile anything that is known to belong to the Jew and that is not usually rented or run by a tenant, such as a bathhouse. This is because observers will assume that the gentile who is performing labor is working directly for the Jew. This is in accordance with the statement of Rabban Shimon ben Gamliel (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 6:15; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 243:1, and see *Mishna Berura* there).

NOTES

But with regard to a Samaritan, what is the *halakha* – אֲבָל לְכוּתִי מַאי: Samaritans do not perform prohibited labor on Shabbat, as they observe the mitzvot which are written in the Torah. They do perform labor on the intermediate days of the Festival, as this prohibition is not stated explicitly in the Torah (Rashi).

Sharecropper works for his tenancy – אֲרִיסָא אֲרִיסוּתֵיהּ עָבֵיד: Despite the fact that the sharecropper must give part of his produce to the owner of the field, the gentile works for himself, not as the Jew's employee. Since there is no prohibition against a gentile performing labor on Shabbat for his own benefit, it is permitted to rent the field to him.

Sharecropper of a bathhouse – אֲרִיסָא דְּמֶרְחָץ: The early commentaries explain that since the only reason that it is prohibited for a gentile to perform work in a bathhouse that belongs to a Jew is that observers will believe that the Jew is benefiting from the labor, the prohibition is dependent on the local custom. If it is customary to hire workers only as employees in the bathhouse, it is prohibited to rent the property to a gentile who would serve as a tenant. If it is customary to rent bathhouses to tenants, then it is permitted (see Ramban).

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תַּנְיָא, רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: לֹא יַשְׂכִּיר אָדָם שָׂדֵהוּ לְכוּתִי, מִפְּנֵי שֶׁנִּקְרֵאת עַל שְׁמוֹ, וְכוּתִי זֶה עוֹשֶׂה בּוֹ מְלָאכָה בְּחוּלּוֹ שֶׁל מוֹעֵד. אֲבָל גּוֹי מַאי? שָׁרֵי, דְּאָמְרִי: אֲרִיסָא אֲרִיסוּתֵיהּ עָבֵיד; אִי הָכִי, כּוּתִי נַמִּי אָמְרִי: אֲרִיסָא אֲרִיסוּתֵיהּ עָבֵיד!

The Gemara cites a similar discussion. **It is taught** in a *baraita* that **Rabbi Shimon ben Elazar says: A person may not rent his field to a Samaritan, since it is called by the name of** the owner **and this Samaritan** will **perform work in it during the intermediate days of a Festival.** The Gemara infers: It is prohibited to rent one's field to a Samaritan, **but** with regard to **a gentile, what** is the *halakha*? Evidently, it is **permitted, as we say** that the gentile **sharecropper works for his tenancy** and not for the Jewish owner. The Gemara asks: **If that is so,** in the case of **a Samaritan as well,** why not **say** that the **sharecropper works for his tenancy?**

Perek **I**
Daf **22** Amud **a**

BACKGROUND

A Samaritan will not comply – כּוּתִי לָא צָיֵית: The Samaritans have their own version of the Torah, which they claim is the correct version. Since Samaritans rely on their own Torah and believe it to be correct, they will not listen to the Jew, but rather will claim that they have a better knowledge of the Torah and *halakha* than the Jew.

Samaritan high priest with torah scroll, 1905

HALAKHA

A Jew and a gentile who received tenancy of a field in partnership – יִשְׂרָאֵל וְגוֹי שֶׁקִּיבְּלוּ שָׂדֶה בְּשׁוּתָּפוּת: In a case where a Jew and a gentile have joint ownership of a field, oven, bathhouse, watermill, or store, and upon forming their partnership they agreed that the gentile alone should receive the profits from the work that he performs on Shabbat, and the Jew alone should receive the profits of another day of the week, this arrangement is permitted. If this agreement was not reached initially, then when they come to divide their profits the gentile receives the profits from every Shabbat, and the profits from the remainder of the week is divided equally between the two (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 6:17; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 245:1).

NOTES

But if they initially stipulated – וְאִם הִתְנוּ מִתְּחִלָּה: Some explain that the stipulation must be issued before the Jew becomes responsible for the labor to ensure that he is not a party to the labor performed by the gentile on Shabbat (Rashi). Others state that the condition must be issued before the beginning of Shabbat (see Meiri). This stipulation ensures that the gentile is paid for his work on Shabbat, while the Jew is paid for corresponding labor that he performed on one of the other days of the week.

אֲרִיסוּתָא לְרַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר לֵית לֵיהּ, אֶלָּא גּוֹי, מַאי טַעְמָא מוּתָּר? דְּאָמְרִינַן לֵיהּ וְצָיֵית, כּוּתִי נַמִּי אָמְרִינַן לֵיהּ וְצָיֵית! כּוּתִי לָא צָיֵית, דְּאָמַר: אֲנָא גְּמִירְנָא טְפֵי מִינָּךְ.

The Gemara answers: **Rabbi Shimon ben Elazar does not accept** the principle that a sharecropper works for his **tenancy,** rather than as the Jew's employee. The Gemara asks: **But** if so, with regard to **a gentile, what is the reason** that it is **permitted** to rent to him? The Gemara answers **that we say to him** that he may not perform labor on certain days, **and he complies.** The Gemara asks: If that is so, then in the case of **a Samaritan as well, we can say to him** that he may not perform labor on certain days, **and he** will **comply.** The Gemara answers: **A Samaritan** will **not comply,**[B] **as he says: I am more learned than you,** and I know that it is permitted to work on these days.

אִי הָכִי, מַאי אִירְיָא מִפְּנֵי שֶׁנִּקְרֵאת עַל שְׁמוֹ? תֵּיפּוֹק לֵיהּ מִשּׁוּם "לִפְנֵי עִוֵּר לֹא תִתֵּן מִכְשֹׁל"! חֲדָא וְעוֹד קָאָמַר, חֲדָא מִשּׁוּם "לִפְנֵי עִוֵּר", וְעוֹד מִפְּנֵי שֶׁנִּקְרֵאת עַל שְׁמוֹ.

The Gemara asks: **If that is so, why** does Rabbi Shimon ben Elazar state **specifically** that the reason for the prohibition is **because** the field **is called by the name of** the owner? **Let him derive** this *halakha* **due to** the fact that the Samaritan, like a Jew, is commanded to refrain from labor during the intermediate days of the Festival, and since he will work on these days, renting him a field is included in the prohibition: **"You shall not put a stumbling block before the blind"** (Leviticus 19:14). The Gemara answers: Rabbi Shimon ben Elazar **states one** reason **and** adds **another: One** reason is **that** of the prohibition: You shall not put a stumbling block **before the blind; and, furthermore,** it is prohibited **because** the field **is called by the name of** the owner.

הָנְהוּ מוּרִיקָאֵי, דְּגוֹי נָקִיט בְּשַׁבְּתָא וְיִשְׂרָאֵל בְּחַד בְּשַׁבְּתָא, אֲתוּ לְקַמֵּיהּ דְּרָבָא, שְׁרָא לְהוּ.

§ The Gemara relates that there were **certain saffron growers** who jointly owned a field in an arrangement according to **which a gentile took possession** of the field and worked in it **on Shabbat, and a Jew** took possession of it **on Sunday. They came before Rava,** to find out if they could divide their profits equally, and Rava **permitted them** to do so.

אֵיתִיבֵיהּ רָבִינָא לְרָבָא: יִשְׂרָאֵל וְגוֹי שֶׁקִּיבְּלוּ שָׂדֶה בְּשׁוּתָּפוּת, לֹא יֹאמַר יִשְׂרָאֵל לַגּוֹי: "טוֹל חֶלְקְךָ בְּשַׁבָּת וַאֲנִי בַּחוֹל", וְאִם הִתְנוּ מִתְּחִלָּה – מוּתָּר,

Ravina raised an objection to the ruling of **Rava** from a *baraita*: In the case of **a Jew and a gentile who received** tenancy of **a field in partnership,**[H] with the understanding that they were to work the field and receive part of its produce in exchange, **the Jew may not say to the gentile: Take your portion** of the profit for your work **on Shabbat, and I** will take my portion for my work **on** one of the days of the rest of **the week.** The reason one may not do so is that it turns out that when the gentile worked on Shabbat, he was laboring partly on behalf of his Jewish partner. **But if they initially stipulated**[N] when they entered into their partnership that the gentile would receive a share of the profit in exchange for his work on Shabbat, and the Jew would receive a share for the work that he performs during one of the days of the week, it is **permitted.**

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וְאִם בָּאוּ לְחֶשְׁבּוֹן – אָסוּר! אִיכְּסִיף. לַסּוֹף אִיגַּלַאי מִלְּתָא דְּהִתְנוּ מֵעִיקָּרָא הָוֵו.

And if they did not make this stipulation and later **came to calculate** the number of weekdays for which the Jew should receive the profit, corresponding to the number of *Shabbatot* that the gentile worked, it is **prohibited,** as this would mean that when the gentile worked on Shabbat, he was working on behalf of the Jew. Rava was **embarrassed** that he had ruled incorrectly. **Ultimately, the matter was revealed that** the saffron growers **had stipulated from the outset** that this was the arrangement, and therefore even according to the *baraita* Rava had ruled correctly.

רַב גְּבִיהָה מִבֵּי כָּתִיל אֲמַר: הָנְהוּ שְׁתֵילֵי דְּעָרְלָה, הֲוָה גּוֹי אָכִיל שְׁנֵי דְּעָרְלָה וְיִשְׂרָאֵל שְׁנֵי דְּהֶתֵּירָא, אֲתוּ לְקַמֵּיהּ דְּרָבָא, שְׁרָא לְהוּ.

Rav Geviha from Bei Ketil said that the incident was actually as follows: The Jew and the gentile formed a partnership with regard to **those *orla*[B] saplings,**[H] to tend to them and sell them. **The gentile would** work and **profit** from them during **the *orla* years,** the first three years after the tree is planted when it is prohibited for a Jew to eat its fruit, **and the Jew** would work and profit from them during **the years where** the fruit is **permitted. They came before Rava,** who **permitted them**[N] to do so.

וְהָא אוֹתְבֵיהּ רָבִינָא לְרָבָא! לְסַיּוּעֵי סַיְּיעֵיהּ. וְהָא אִכְּסִיף! לֹא הָיוּ דְּבָרִים מֵעוֹלָם.

The Gemara asks: **But didn't Ravina object to** the ruling issued by **Rava?** The Gemara answers: No, Ravina's intention was **to provide a support for** the ruling of Rava. The Gemara asks: **But** wasn't Rava **embarrassed** by Ravina's statement? The Gemara answers: **That never happened.**

אִיבַּעְיָא לְהוּ: סְתָמָא מַאי? תָּא שְׁמַע: אִם הִתְנוּ מִתְּחִילָּה – מוּתָּר, הָא סְתָמָא אָסוּר.

A dilemma was raised before the Sages: If the partners did **not specify** that the gentile would work on Shabbat and the Jew during the week, but they also did not calculate their profits so that they would split the earnings equally, **what** is the *halakha*?[HN] The Gemara attempts to provide an answer from the *baraita*: **Come** and **hear: If they initially stipulated** that the gentile would receive a share of the profit in exchange for his work on Shabbat, while the Jew would receive a share for the work on one of the other days of the week, it is **permitted.** This indicates that **without specification,** it is **prohibited.**

אֵימָא סֵיפָא: אִם בָּאוּ לְחֶשְׁבּוֹן – אָסוּר, הָא סְתָמָא מוּתָּר! אֶלָּא מֵהָא לֵיכָּא לְמִשְׁמַע מִינַּהּ.

The Gemara rejects this proof: **Say the last clause: If** they **came to calculate** their profits, it is **prohibited;** this indicates that **without specification,** doing so is **permitted.** The Gemara concludes: **Rather, no** inference is **to be learned from this** *baraita*, as the inferences contradict each other.

הדרן עלך לפני אידיהן

BACKGROUND

***Orla* – עָרְלָה:** It is prohibited to eat or derive benefit from the fruit that grows during the first three years after a tree has been planted (see Leviticus 19:23). This prohibition applies only to the fruit but not to the other parts of the tree. In addition, the prohibition does not apply to trees planted as a fence for property or as a wind buffer rather than for their fruit.

HALAKHA

Those *orla* saplings – הָנְהוּ שְׁתֵילֵי דְּעָרְלָה: With regard to a gentile and Jew who jointly planted trees, if they initially agreed that the gentile would benefit from the produce during the *orla* years, and the Jew would benefit during the years when the produce is permitted, this is permitted. If they did not initially make this arrangement, it is prohibited. Furthermore, the former case is permitted only if the Jew does not calculate the amount of produce received by the gentile during the *orla* years and then take a corresponding amount of the produce. If this arrangement was agreed upon, it is prohibited, as the Jew is considered to be deriving benefit from *orla* produce. This is according to the opinion of the Rambam, who explains that the case in the Gemara here is one where they made a stipulation. The Rambam holds that even if they initially made this deal, it is prohibited to do so (Gra).

The Rema writes: Some permit it even if they did not initially agree to this arrangement, and the Jew later says to the gentile: Take your profit from the *orla* years, and I will take mine from the years when the produce is permitted (*Tur*; Rabbi Shimshon of Saens). This is in accordance with the opinion of Rashi (*Taz*). It is prohibited for the Jew to calculate the exact amount of produce that is considered *orla* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 10:14; *Shulḥan Arukh*, *Yoreh De'a* 294:13, and *Shakh* there).

If the partners did not specify, what is the *halakha* – סְתָמָא מַאי: If the Jew and the gentile did not initially agree that the gentile should receive the profits from the work that he performs on Shabbat and the Jew should receive the profits of another day of the week, and they also do not wish to implement this arrangement but simply wish to divide the profits, the gentile should take one-seventh of the profits for himself. The remaining profit should be divided equally between the two. This is the opinion of the Rambam, who rules stringently in this matter. The Rema writes that after the fact there are those who permit the Jew to divide the profits with the gentile even if they did not make an initial stipulation (Rosh; Rabbeinu Yeruḥam), because in a case of uncertainty with regard to a rabbinic prohibition, the ruling is lenient. Therefore, if one would incur a significant loss by following the stringent ruling, one may rely on the lenient opinion (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 6:18; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 245:1).

NOTES

Permitted them – שְׁרָא לְהוּ: He allowed this despite the fact that they did not initially agree to work and receive the profits of different years, as it would be permitted even for the Jew to tend to the trees during the *orla* years. Therefore, there is no problem with the gentile tending to them on behalf of the Jew.

If the partners did not specify, what is the *halakha* – סְתָמָא מַאי: The Gemara's question is whether the Jew is permitted to divide the profits with the gentile despite the fact that they did not initially agree that the gentile would receive the proceeds of Shabbat. Rashi explains that this differs from the previous case where they calculated the days, as here they simply divide the profits in half, without a calculation concerning the days. In this situation, it is no longer evident that the Jew worked during the week in exchange for the labor that the gentile performed on Shabbat.

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Summary of **Perek I**

Conducting business with gentiles is prohibited on the three days preceding their pagan festival, as well as on the day of the festival itself. The Gemara concludes that the prohibition against conducting business before the festival applies only in Eretz Yisrael. In addition to the prohibition against conducting business, it is also prohibited to borrow money, lend money, or repay a debt on these days, unless the Jew will thereby suffer financial loss, or if not doing so will cause hatred of Jews.

It is not only prohibited to conduct business on the day of pagan festivals, but one also may not do so at fairs held in honor of idol worship. This is because proceeds from the fair are used to support idol worship; and furthermore, the Jew would be profiting from money that is associated with idol worship. Therefore, if a Jew does conduct business at one of these events, he is not permitted to derive benefit from the money.

The Gemara explains that a Jew must refrain from participating in events held in honor of idolatry, even if they are only social events. It is therefore prohibited to travel and enter a city where such an event is taking place. Similarly, a Jew may not give or accept gifts from a gentile on the day of his festival unless there is a concern that one's refusal will result in hatred.

The mishna lists various pagan festivals to which this prohibition applies. These include festivals that are clearly pagan in nature, as well as royal festivals that included elements of pagan rituals and rites. This chapter primarily addresses festivals held in the Roman Empire, but it also mentions Babylonian and Persian festivals. In addition, it is established that in the case of a festival of an individual or a festival that is conducted in a specific place, the prohibition against conducting business applies only to those celebrating the festival, and it applies only on the day of the festival itself.

Throughout the year it is prohibited to sell to gentiles items that will be used for idol worship. Therefore, if an item is commonly used in idol worship, or if the gentile states explicitly that his intention is to use an article or animal for that purpose, the sale is prohibited. In a case where the item is commonly used for idol worship, there are times when it is permitted to sell it, e.g., if it is clear, either due to the identity of the buyer or by virtue of the number of items sold, that it will not be used for idol worship. The chapter further taught that it is prohibited for a Jew to build a structure that will be used for idol worship.

Despite all of the above, the accepted custom throughout the generations has been to permit business transactions with gentiles even on their festival days. The reasons for this leniency, which can be traced back to the Gemara, include the fact that the gentiles with whom the Jews come in contact are no longer pagans, a fear of instigating hatred against Jews, and the difficult situations in which the Jews find themselves.

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In addition to the prohibition against selling items to gentiles that will be used for idol worship, other sales are also prohibited, for a variety of reasons. One may not sell large livestock to gentiles, lest they use livestock that belongs to Jews to perform labor on Shabbat. The only manner in which it is permitted to sell large livestock to gentiles is if the transaction is conducted through a middleman who buys the livestock from Jews and sells it to gentiles. It is prohibited to build public structures for gentiles that might lead to public harm or that may endanger the lives of Jews. Similarly, it is prohibited to sell weapons or dangerous beasts to gentiles in case they are deployed against Jews. This prohibition is dependent on the circumstances, as it is permitted to sell weapons to gentiles in locations where they protect Jewish residents. Conversely, it is prohibited to sell weapons to Jews if there is reason to believe that those Jews will use them to harm the public.

Another category of prohibited sales to gentiles applies only in Eretz Yisrael. This prohibition extends to all land and anything that is attached to the ground, provided that it has not been detached. The reason that one may not conduct these sales is because there is a prohibition against letting gentiles acquire land in Eretz Yisrael. It is also prohibited to rent fields in Eretz Yisrael to gentiles, as this serves to exclude the land from the mitzvot that apply in Eretz Yisrael. In Syria, which is of an intermediate halakhic status, i.e., a lesser level of sanctity than Eretz Yisrael but greater than that of other lands, it is permitted to sell houses, but not fields, to gentiles.

In any location, it is prohibited to rent a residence to gentiles lest he bring an idol into the residence. It is also prohibited to lease property to a gentile if it will appear to others that the Jew is violating a prohibition when they see the gentile performing labor there on Shabbat.

This chapter includes many aggadic discussions, most of which deal with the future Day of Judgment and the relationship between the Jewish people and the nations of the world throughout the generations. These discussions also touch upon various historical events.

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Introduction to **Perek II**

And you shall not lie with any beast to defile yourself with it; neither shall any woman stand before a beast, to lie down with it; it is perversion. Do not defile yourselves with any of these things; for in all these the nations are defiled, which I cast out from before you.

(Leviticus 18:23–24)

Neither shall you make marriages with them: Your daughter you shall not give unto his son, nor his daughter shall you take unto your son. For he will turn away your son from following Me, that they may serve other gods; so will the anger of the Lord be kindled against you, and He will destroy you quickly.

(Deuteronomy 7:3–4)

But Daniel purposed in his heart that he would not defile himself with the king's food, nor with the wine which he drank; therefore he requested of the chief of the officers that he might not defile himself.

(Daniel 1:8)

Whereas the first chapter of this tractate addressed measures taken to distance Jews from gentiles in matters of business and commerce, in order to avoid indirectly facilitating idolatrous worship, this chapter discusses measures designed to keep Jews from gentiles on a more personal level. In particular, these measures were taken due to concerns about adultery and murder.

The physical aggression, as well as the spiritual and ethical depravity, of idolatrous gentiles living in the talmudic period necessitated great caution on the part of Jews, especially those living in areas where law and order were commonly neglected. Consequently, the Sages established various ordinances designed to protect their communities by limiting interactions between Jews and gentiles. This chapter examines the nature of these ordinances, as well as their applications and limitations. Questions as to whether or not a Jew may entrust his life to gentile professionals, such as physicians, midwives, and wet nurses, are discussed in this chapter. The chapter also discusses the possibility of aiding idolatrous gentiles and other malefactors by preventing their demise.

The second part of this chapter deals primarily with various prohibitions instituted by the Sages concerning certain foods belonging to gentiles. These prohibitions can be divided into several categories. Some foods are prohibited due to the possibility that they were involved in an idolatrous ritual, and are not prohibited only for consumption but also for any sort of benefit.

The paradigm for these substances is wine, since it was commonly used as a libation in idolatrous rituals. There are several questions, primarily with regard to when one must be concerned that a gentile might have dedicated the wine in his possession, or wine belonging to a Jew with which he had contact, as an idolatrous libation. Furthermore, it must be established whether wine prohibited due to the possibility that it was used as a libation has the same status as wine that is known to have been used in an idolatrous ritual. Issues pertaining to vessels that have come in contact with such wine are considered as well.

An additional problem with the consumption of wine is that it causes lightheartedness, and the Sages were concerned that consumption of wine in the company of

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gentiles could lead to mutual affection and eventual intermarriage. This concern also extends to other foods, such as beer and bread, which are also discussed in this context.

In its later section the chapter deals with foods that are prohibited for reasons unrelated to gentiles and idolatry, because they might include non-kosher ingredients or are themselves non-kosher. The Gemara examines the *halakhot* in cases involving the uncertain status of such foods, the credibility of a Jew who sells them, and the use of distinguishing marks to determine their kashrut. The final mishna lists those foods which the Sages permitted for consumption despite the existence of possible reasons to prohibit them.

Post-talmudic rabbis have found the passages in this chapter troublesome when taken at face value and have explained their ramifications with regard to the assessment of gentiles in various manners. One opinion is that of Rabbi Menaḥem HaMeiri, who claims that the talmudic Sages were referring to pagans who lacked moral and ethical restrictions and who had persecuted Jews mercilessly. He asserts that by his time, all of humanity had been exposed to the moral and ethical teachings of the major religions and were disciplined by those norms. Consequently, such prescriptions are not applicable to contemporary gentiles. This opinion has been endorsed by a number of later rabbinic authorities, including Rabbi Abraham Isaac Kook, Rabbi Yeḥiel Ya'akov Weinberg, and Rabbi Eliezer Waldenberg.

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מתני׳ אֵין מַעֲמִידִין בְּהֵמָה בְּפוּנְדָּקָאוֹת שֶׁל גּוֹיִם, מִפְּנֵי שֶׁחֲשׁוּדִין עַל הָרְבִיעָה; וְלֹא תִתְיַיחֵד אִשָּׁה עִמָּהֶן, מִפְּנֵי שֶׁחֲשׁוּדִין עַל הָעֲרָיוֹת; וְלֹא יִתְיַיחֵד אָדָם עִמָּהֶן, מִפְּנֵי שֶׁחֲשׁוּדִין עַל שְׁפִיכוּת דָּמִים.

MISHNA **One may not keep an animal[H] in the inns [*befundekaot*][L] of gentiles[B] because they are suspected of bestiality.** Since even gentiles are prohibited from engaging in bestiality, a Jew who places his animal there is guilty of violating the prohibition: "You shall not put a stumbling block before the blind" (Leviticus 19:14). **And a woman may not seclude herself[N] with** gentiles[H] **because they are suspected of** engaging in **forbidden sexual relations. And** any **person may not seclude himself with** gentiles[H] **because they are suspected of bloodshed.**

LANGUAGE

Inns [*pundekaot*] – **פּוּנְדָּקָאוֹת:** From the Greek πανδοκεῖον, *pandokeion*, meaning a guest house or inn.

HALAKHA

One may not keep an animal – אֵין מַעֲמִידִין בְּהֵמָה: One may not keep an animal in an inn belonging to gentiles. This applies even with regard to male animals with male innkeepers and female animals with female innkeepers. In places where gentiles are not suspected of bestiality, and certainly in areas where engaging in bestiality is punished by the authorities, keeping an animal in an inn of gentiles is permitted (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:5; *Shulḥan Arukh*, *Yoreh De'a* 153:1).

A woman may not seclude herself with gentiles – לֹא תִתְיַיחֵד אִשָּׁה עִמָּהֶן: It is prohibited for a woman to be alone with a male gentile, even if his wife is present. This restriction applies even in a situation where many gentiles and their wives are present (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:4; *Shulḥan Arukh*, *Yoreh De'a* 153:4 and *Even HaEzer* 22:3).

A person may not seclude himself with gentiles – לֹא יִתְיַיחֵד אָדָם עִמָּהֶן: A Jew may not seclude himself with a gentile, as the gentile might kill him. The halakhic authorities write that nowadays gentiles are not suspected of such behavior, especially considering the fact that they are held accountable for their actions (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 153:2).

BACKGROUND

Gentiles – גּוֹיִם: As stated in the introduction to this chapter, the Sages throughout the generations were troubled by this mishna and have explained its implications with regard to gentiles in various ways. One explanation is that of the Meiri, who explains that the Sages in the Talmud were referring to pagans whose way of life was completely lacking in ethical or moral constraints, and who for many centuries cruelly persecuted and murdered the Jews. The Meiri claims that by his time in the thirteenth century, all of humanity had adopted the moral and ethical codes of the major monotheistic religions. Therefore, statements like the one in the mishna do not apply to contemporary gentiles. This explanation, repeated throughout his voluminous works, was adopted by many later authorities, including several twentieth-century rabbinic luminaries, among them Rabbi Avraham Yitzḥak Kook, Rabbi Yeḥiel Ya'akov Weinberg, and Rabbi Eliezer Waldenberg.

NOTES

May not seclude herself – לֹא תִתְיַיחֵד: A woman who secludes herself with a gentile is nevertheless permitted to marry a priest, in contrast to a woman who engages in intercourse with a gentile. She is also not considered equivalent to a woman who was held captive by gentiles, who is assumed to have been raped by her captors. This is because with regard to a woman who secludes herself with a gentile, there is only a suspicion, not a presumption, that they engaged in intercourse (*Talmidei Rabbeinu Yona*).

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HALAKHA

One may purchase an animal from gentiles for an offering – לוֹקְחִין מֵהֶן בְּהֵמָה לְקָרְבָּן: All livestock may be purchased from gentiles for use as offerings, as there is no concern that it might have been the object of bestiality, or was set aside for idol worship, or was itself worshipped (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 3:15).

One may not deliver an animal to their shepherd – אֵין מוֹסְרִין בְּהֵמָה לְרוֹעֶה שֶׁלָּהֶן: It is prohibited to give any animal or bird to a gentile shepherd, regardless of the sex of the animal, bird, or shepherd. This is because they are suspected of engaging in bestiality with all animals, and enabling them to do so by supplying them with an animal constitutes a transgression of the prohibition: "You shall not put a stumbling block before the blind" (Leviticus 19:14). Wherever there is no reason to suspect gentiles of bestiality, and certainly in a place where bestiality is penalized by the authorities, it is permitted (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:6; *Shulḥan Arukh*, *Yoreh De'a* 153:1).

גמ' וּרְמִינְהִי: לוֹקְחִין מֵהֶן בְּהֵמָה לְקָרְבָּן, וְאֵין חוֹשְׁשִׁין לְמָה מְשׁוּם רוֹבֵעַ וְלֹא מְשׁוּם נִרְבָּע, וְלֹא מְשׁוּם מוּקְצֶה וְלֹא מְשׁוּם נֶעֱבָד;

GEMARA With regard to the assumption that gentiles are suspected of bestiality, the Gemara **raises a contradiction** from a *baraita* (*Tosefta* 2:1): **One may purchase an animal from** gentiles **for** use as **an offering,**[H] **and there is no concern** that it might be unfit **due to** it being **an animal that copulated with a person,**[N] **or due to** is being **an animal that was the object of bestiality, or due to** it having been **set aside**[N] for idol worship, **or due to** the animal itself having been **worshipped.**

בְּשְׁלָמָא מוּקְצֶה וְנֶעֱבָד, אִם אִיתָא דְּאַקְצְיֵיהּ וְאִם אִיתָא דְּפַלְחֵיהּ – לָא הֲוָה מְזַבֵּין לֵיהּ, אֶלָּא רוֹבֵעַ וְנִרְבָּע לֵיחוּשׁ! אָמַר רַב תַּחֲלִיפָא אָמַר רַב שֵׁילָא בַּר אָבִינָא מִשְּׁמֵיהּ דְּרַב: גּוֹי חַס עַל בְּהֶמְתּוֹ שֶׁלֹּא תֵּעָקֵר.

The Gemara analyzes this ruling: **Granted,** there is no concern that the animal was **set aside** for idolatry **or** was itself **worshipped.** The reason is that **if it is so that it was set aside, or if it is so that it was worshipped,** then the gentile **would not have sold it to** the Jew in the first place. **But** with regard to the possibility that it is **an animal that copulated with a person or an animal that was the object of bestiality, let** one raise **a concern** in line with the ruling of the mishna. The Gemara explains: **Rav Taḥlifa says** that **Rav Sheila bar Avina says in the name of Rav: A gentile** protects and thereby **spares his** own **animal so that it will not become barren.** Since an act of bestiality may cause an animal to become barren, there is no concern that the gentile engaged in immoral behavior with it. Therefore, one may use an animal purchased from a gentile as an offering.

הָתֵינַח נְקֵבוֹת, זְכָרִים מַאי אִיכָּא לְמֵימַר? אָמַר רַב כָּהֲנָא: הוֹאִיל וּמַכְחִישִׁין בַּבָּשָׂר.

The Gemara asks: This **works out well** with regard to **female** animals, as they can become barren, but with regard to **males, what is there to say?**[N] **Rav Kahana says:** Gentiles also refrain from engaging in bestiality with their male livestock, **since** doing so **deteriorates** the animals' **flesh,** i.e., it makes them physically weaker.

אֶלָּא הָא דְּתַנְיָא: לוֹקְחִין בְּהֵמָה מֵרוֹעֶה שֶׁלָּהֶן, לֵיחוּשׁ דִּלְמָא רְבַעָהּ לָהּ! רוֹעֶה שֶׁלָּהֶן מִתְיָירֵא מִשּׁוּם הֶפְסֵד שָׂכָר.

Rather, the Gemara instead raises a contradiction from **that which is taught** in a *baraita*: **One may purchase an animal** for use as an offering **from their shepherd,** i.e., a gentile shepherd. The Gemara explains the apparent contradiction: In light of the ruling of the mishna, **let us be concerned** that **perhaps he engaged in bestiality with** the animal, as it does not belong to him, and therefore it should be prohibited to purchase an animal from gentile shepherds. The Gemara answers: **Their shepherd is fearful** of engaging in bestiality with the animals under his care, **due to** the **forfeit of** his **wages** that would result if this were discovered.

אֶלָּא הָא דְּתַנְיָא: אֵין מוֹסְרִין בְּהֵמָה לְרוֹעֶה שֶׁלָּהֶן, לֵימָא: רוֹעֶה שֶׁלָּהֶן מִתְיָירֵא מִשּׁוּם הֶפְסֵד שְׂכָרוֹ!

Rather, the Gemara instead raises a contradiction from **that which is taught** in a *baraita*: **One may not deliver an animal to their shepherd,**[H] i.e., a gentile shepherd. The Gemara explains the contradiction: Why may one not do so? **Let us say** that **their shepherd is fearful due to** the **forfeit of his wages,** and accordingly one should be permitted to give him an animal.

NOTES

Due to it being an animal that copulated with a person, etc. – מִשּׁוּם רוֹבֵעַ וכו': All such animals are rendered unfit for use as offerings (Rashi). Although two witnesses are required to render the human offender liable to be punished by stoning, a single witness, or even the owner himself, is sufficient to render the animal forbidden (Meiri).

Set aside – מוּקְצֶה: Some commentaries write that mere verbal designation of an animal for idol worship does not render it unfit for an offering (*Tosafot*). Accordingly, it must be physically set aside and delivered to the priests who feed it vetches that are used for idol worship (see *Temura* 29a). Others hold that once it has been designated as an animal of idol worship it is immediately rendered unfit and no action is necessary (Ra'avad).

With regard to males, what is there to say – זְכָרִים מַאי אִיכָּא לְמֵימַר: Male animals are rendered unfit as an offering if a person has engaged in bestiality with them. This is based on the fact that the disqualification of such animals is derived from verses which discuss a burnt-offering, and only male animals can be brought as burnt-offerings (see *Temura* 28a). Accordingly, the Gemara asks: Why is there no concern that a gentile may have engaged in bestiality with a male animal, an act that will not cause it to become barren (Rashi)?

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אִינְהוּ דְּיָדְעִי בַּהֲדֵי מִרְתְּתִי, אֲנַן דְּלָא יָדְעִינַן בְּהוּ לָא מִרְתְּתִי. אֲמַר רַבָּה, הֵיינוּ דְּאָמְרִי אֱינָשֵׁי: מַכְתְּבָא גְּלָלָא בָּזֵע, רַגָּלָא בְּחַבְרֵיהּ יָדַע.

The Gemara answers: With regard to **themselves,** i.e., other gentiles, **as they are aware of each other's** actions, **they are fearful** that they may be caught, and therefore will not engage in bestiality with an animal belonging to another gentile. But with regard to **ourselves,** Jews, **as we are not aware of them** and their behavior, **they are not fearful** of us. The Gemara notes that **Rabba said: This** is in accordance with the adage **that people say:** Just as **the stylus etches** script upon **marble,**[B] **a sinner knows his fellow** sinner,[N] i.e., a transgressor is acutely aware of others who act in the same manner.

אִי הָכִי, זְכָרִים מִנְּקֵבוֹת לָא נִיזְבּוֹן, דְּחָיְישִׁינַן דִּלְמָא מַרְבְּעָא לֵיהּ עִילָּוֹה! כֵּיוָן דְּמִיגְּרֵי בָּהּ מִרְתְּתָא.

The Gemara raises a difficulty: **If that is so,** and the reason one may purchase an animal for use as an offering from a gentile is that engaging in bestiality has a negative impact on the animal, then **let us not purchase male** animals **from female** gentiles, **as we** should be **concerned** that **perhaps she engaged in bestiality with it.** This would not damage the animal or render it barren, and therefore there is no deterrent that would prevent a gentile woman from doing so. The Gemara answers: **Since,** if she were to engage in bestiality, the animal would **follow her** around in public, **she is afraid** of others discovering her behavior.

אֶלָּא הָא דְּתָנֵי רַב יוֹסֵף: אַרְמַלְתָּא לָא תְּרַבֵּי כַּלְבָּא וְלָא תִּשְׁרֵי בַּר בֵּי רַב בְּאוּשְׁפִּיזָא; בִּשְׁלָמָא בַּר בֵּי רַב צְנִיעַ לָהּ, אֶלָּא כַּלְבָּא כֵּיוָן דְּמִיגְּרֵי בָּהּ מִרְתְּתָא!

The Gemara further asks: **But** consider **that which Rav Yosef teaches: A widow may not raise**[N] **a dog**[H] due to the suspicion that she may engage in bestiality, **and** she **may not allow a student** of Torah to dwell **as a lodger** [***be'ushpiza***][NHL] in her home. **Granted,** it makes sense that is prohibited for her to have **a student** of Torah lodging in her home, as he is regarded as **discreet in her** eyes,[N] so she will not be deterred from sinning with him. **But** with regard to **a dog, since it would follow her** around after she mates with it, **she is afraid** to engage in bestiality with it. Therefore, it should be permitted for her to raise a dog.

כֵּיוָן דְּכִי שָׁדְיָא לֵיהּ אוּמְצָא וּמִסְרִיךְ אַבַּתָּרָהּ, מֵימַר אָמְרִי אֱינָשֵׁי: הַאי דְּמִסְרִיךְ אַבַּתָּרָהּ – מִשּׁוּם אוּמְצָא דְּקָא מִסְרִיךְ.

The Gemara answers: **Since it will** also **follow her** around in a case **when she throws it a piece of meat, people will say:** The fact **that it is following her** is **due to the meat** she threw at it, and they will not suspect her of bestiality. Consequently, she will not be deterred from transgressing.

נְקֵבוֹת אֵצֶל נְקֵבוֹת מַאי טַעְמָא לָא מַיְיחֲדִינַן? אָמַר מָר עוּקְבָא בַּר חָמָא: מִפְּנֵי שֶׁהַגּוֹיִם מְצוּיִין אֵצֶל נְשֵׁי חַבְרֵיהֶן, וּפְעָמִים שֶׁאֵינוֹ מוֹצְאָהּ, וּמוֹצֵא אֶת הַבְּהֵמָה וְרוֹבְעָהּ.

The Gemara asks: With regard to **female** animals **with females,**[H] **what is the reason** that **we do not** permit them to **be secluded** with each other? **Mar Ukva bar Ḥama says:** It is **because gentiles frequent**[N] **the wives of others, and on occasion** the gentile **does not find her, and he finds the animal and engages in bestiality with it** instead.

וְאִיבָּעֵית אֵימָא: אֲפִילּוּ מוֹצְאָהּ נַמִּי רוֹבְעָהּ, דְּאָמַר מָר: חֲבִיבָה עֲלֵיהֶן בְּהֶמְתָּן שֶׁל יִשְׂרָאֵל יוֹתֵר מִנְּשׁוֹתֵיהֶן; דְּאָמַר רַבִּי יוֹחָנָן: בְּשָׁעָה שֶׁבָּא נָחָשׁ עַל חַוָּה הִטִּיל בָּהּ זוּהֲמָא. אִי הָכִי, יִשְׂרָאֵל נַמִּי! יִשְׂרָאֵל שֶׁעָמְדוּ עַל הַר סִינַי – פָּסְקָה זוּהֲמָתָן, גּוֹיִם שֶׁלֹּא עָמְדוּ עַל הַר סִינַי – לֹא פָּסְקָה זוּהֲמָתָן.

And if you wish, say instead: **Even** when **he finds** the wife, **he also engages in bestiality with** the animal, **as the Master said: The animal of a Jew is more appealing to** gentiles **than their** own **wives, as Rabbi Yoḥanan says: At the time when the snake came upon Eve,** at the time of the sin of her eating from the Tree of Knowledge, **it infected her with** moral **contamination,** and this contamination lingers in all human beings. The Gemara asks: **If that is so, a Jew** should **also** be suspected of engaging in bestiality. The Gemara answers: With regard to the **Jewish people, who stood at Mount Sinai** and received the Torah, **their contamination ended,** whereas in the case of **gentiles, who did not stand at Mount Sinai** and receive the Torah, **their contamination has not ended.**

BACKGROUND

The stylus etches script upon marble – מַכְתְּבָא גְּלָלָא בָּזֵע: The stylus is a carving instrument made of hard metal that was frequently used for engraving or embossing script in stone tablets. The use of a chisel was less common, as it was reserved for larger designs in which the rocks were carved into the desired shape.

Talmudic-era stone inscription

NOTES

A sinner [*ragala*] knows his fellow sinner – רַגָּלָא בְּחַבְרֵיהּ יָדַע: According to Rashi, the word *ragala* means a gossip [*rakhil*] who slanders others. As a slanderer himself, he is fearful of another gossip because he knows the extent of the turmoil that his statements can cause. In the adage, the marble, which is itself a hard substance, knows the strength of the stylus. Others explain that *ragala* refers to one in charge of collecting taxes, who understands the nature of tax evaders (Rabbeinu Ḥananel). A different version of the text reads *dagala*, which means a liar or a cheat (*Arukh*; *Tosafot*, citing Rabbeinu Tam in *Sefer HaYashar*).

A widow may not raise, etc. – אַרְמַלְתָּא לָא תְּרַבֵּי וכו': Although Jews are generally not suspected of immoral conduct with animals, there may be suspicion concerning a widow who lives alone with a dog. To prevent such rumors from gaining momentum, she is advised against raising a dog in her home (*Tosafot*, *Bava Metzia* 71a; see Ran on the Rif).

May not allow…as a lodger – וְלָא תִּשְׁרֵי...בְּאוּשְׁפִּיזָא: This refers to either providing lodging to a student or hosting him for a meal (*Tosefot Ḥakhmei Angliyya*).

A student of Torah is regarded as discreet in her eyes – בַּר בֵּי רַב צְנִיעַ לָהּ: Aware of his modesty and shame, the widow has no fear that the student will publicize her behavior. Consequently, it is prohibited for her to host him (*Talmidei Rabbeinu Yona*).

Because gentiles frequent, etc. – מִפְּנֵי שֶׁהַגּוֹיִם מְצוּיִין וכו': It is explained in the Jerusalem Talmud that male animals may not be secluded with men for the same reason, as women frequent their friends' husbands, and if the men are not home, they might engage in bestiality with the animals instead.

LANGUAGE

Lodger [*ushpiza*] – אוּשְׁפִּיזָא: From the Middle Persian aspinj, meaning hotel or hospitality. Although the term usually refers to a host, here the Gemara uses it in reference to a guest.

HALAKHA

A widow may not raise a dog – אַרְמַלְתָּא לָא תְּרַבֵּי כַּלְבָּא: A widow may not raise a dog, to avoid any suspicion of bestiality (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:16; *Shulḥan Arukh*, *Even HaEzer* 22:20 and *Taz* there).

And may not allow a student of Torah to dwell as a lodger – וְלָא תִּשְׁרֵי בַּר בֵּי רַב בְּאוּשְׁפִּיזָא: To avoid suspicion, a Torah scholar is prohibited from residing in a courtyard which houses a widow, unless his wife lives with him. Some commentaries state that it is prohibited for him only to stay in her home, but he is permitted to take up residence in the same courtyard (Ra'avad). It is possible that according to this opinion a scholar is prohibited from lodging in the home of a widow only if he freely eats of her food. If he pays rent to her, it is permitted (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:16; *Shulḥan Arukh*, *Even HaEzer* 22:19 and *Taz* there).

Female animals with females – נְקֵבוֹת אֵצֶל נְקֵבוֹת: It is prohibited to give a female animal to a gentile woman because gentiles are presumed to be adulterers, and as Mar Ukva states, there is a concern that a man will engage in bestiality with the animal in the event that he does not find a woman (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:7).

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HALAKHA

With regard to birds what is the *halakha* – עוֹפוֹת מַאי: It is prohibited to place birds in the care of gentiles, as they are suspected of engaging in bestiality with them (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:6).

אִיבַּעְיָא לְהוּ: עוֹפוֹת מַאי? תָּא שְׁמַע, דְּאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל מְשׁוּם רַבִּי חֲנִינָא: אֲנִי רָאִיתִי גּוֹי שֶׁלָּקַח אַוָּוז מִן הַשּׁוּק, וְטָבְחָהּ, חֲנָקָהּ, צְלָאָהּ וַאֲכָלָהּ. וְאָמַר רַבִּי יִרְמְיָה מִדִּיפְתִּי: אֲנִי רָאִיתִי עֲרָבִי אֶחָד שֶׁלָּקַח יָרֵךְ מִן הַשּׁוּק וְחָקַק בָּהּ כְּדֵי רְבִיעָה, וְטָבְחָהּ, צְלָאָהּ וַאֲכָלָהּ.

§ The Gemara inquires with regard to the *halakha* in the case of a bird. **A dilemma was raised before** the Sages: With regard to **birds, what** is the *halakha*?[H] Are gentiles suspected of engaging in bestiality with birds? The Gemara suggests: **Come** and **hear** a proof that they are suspected of doing so, **as Rav Yehuda says** that **Shmuel says in the name of Rabbi Ḥanina: I** once **saw a gentile who bought a goose in the market, engaged in bestiality with it, strangled it, roasted it, and** then **ate it. And** similarly, **Rabbi Yirmeya of Difti says: I saw a certain Arab who bought a thigh** of meat **from the market and carved** a space **in it** that was **the size necessary** to allow **for penetration.** Subsequently, **he penetrated it, roasted it, and ate it.** These incidents demonstrate that gentiles are suspected of immoral conduct with fowl.

Perek **II**
Daf **23** Amud **a**

NOTES

This mishna issues its ruling with regard to the *halakha ab initio* – הָא לְכַתְּחִלָּה: The mishna prohibits one from placing his animal in a gentile's possession *ab initio*, due to the concern that the gentile might engage in bestiality with it. The *baraita* rules that one need not entertain this concern after the fact, and therefore one may sacrifice an animal that was in the possession of a gentile as an offering (Rashi).

And nothing more – וְתוּ לָא מִידֵּי: There is no reason to continue this discussion, as it is clear that the only reason there is no concern that the gentile might have raped the wife is because he is fearful of losing his payment. Since the proof from this mishna has been rejected, it can still be claimed that whenever there is a concern of forbidden sexual relations with a gentile the prohibition remains in force even after the fact, contrary to the statement of Ravina.

HALAKHA

A woman who was imprisoned by gentiles – הָאִשָּׁה שֶׁנֶּחְבְּשָׁה בִּידֵי גּוֹיִם: A woman who was imprisoned by gentiles due to monetary matters is permitted even to a priest. If she was imprisoned for a capital offense, she is forbidden to her husband if he is a priest. The Rema notes that according to some commentaries she is forbidden to her husband even if he is an Israelite, as there is a concern that she might have willingly submitted to the gentiles to avoid execution (*Tosafot*; Rosh). In a region where the gentile authorities maintain control over the Jews, the woman is forbidden to her husband the priest even if she was imprisoned due to monetary matters, unless a witness testifies that she did not engage in sexual intercourse with her captor. Some contend that if the government is just and particular about such matters, there is no reason to render a woman who was imprisoned by the authorities forbidden to a priest (see *Be'er Heitev*).

The Rema points out that these rulings apply only with regard to a woman who was imprisoned by gentiles, whereas a woman who secluded herself with a gentile is not forbidden to her husband even if she owed the gentile money, despite the fact that by being secluded with him she acted inappropriately. This is the *halakha* even if there are rumors that she behaved promiscuously (Rosh). Nevertheless, the Maharik rules that if she secluded herself with a gentile specifically for lewd purposes, it is appropriate to rule stringently and render her forbidden to her husband (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:30; *Shulḥan Arukh*, *Even HaEzer* 7:11).

רָבִינָא אָמַר, לָא קַשְׁיָא: הָא לְכַתְּחִלָּה, הָא דִּיעֲבַד.

§ The Gemara cites another resolution of the apparent contradiction between the mishna, which rules that gentiles are suspected of bestiality, and the *baraita*, which permits an animal purchased from gentiles to be sacrificed as an offering. **Ravina said** that it **is not difficult; this** mishna issues its ruling with regard to the *halakha* ***ab initio*,**[N] while **that** *baraita* is referring to the *halakha* **after the fact.**

וּמִנָּא תֵּימְרָא דְּשָׁאנֵי בֵּין לְכַתְּחִלָּה בֵּין לְדִיעֲבַד? דִּתְנַן: לֹא תִּתְיַחֵד אִשָּׁה עִמָּהֶם, מִפְּנֵי שֶׁחֲשׁוּדִין עַל הָעֲרָיוֹת; וּרְמִינְהוּ: הָאִשָּׁה שֶׁנֶּחְבְּשָׁה בִּידֵי גּוֹיִם, עַל יְדֵי מָמוֹן – מוּתֶּרֶת לְבַעְלָהּ, עַל יְדֵי נְפָשׁוֹת – אֲסוּרָה לְבַעְלָהּ!

The Gemara asks: **And from where do you say that** there is **a difference** in this case **between *ab initio* and after the fact? As we learned** in the mishna: **A woman may not seclude herself with them because they are suspected of** engaging in **forbidden sexual intercourse. And** one can **raise a contradiction** from another mishna (*Ketubot* 26b): With regard to **a woman who was imprisoned by gentiles,**[H] if she was imprisoned **due to monetary matters she is permitted to her husband** even if he is a priest, as there is no concern that she was raped. If she was imprisoned **due to a capital** offense **she is forbidden to her husband** if he is a priest, as the captors would not restrain themselves from raping her. The first clause of the mishna in *Ketubot* rules that a woman who was imprisoned in seclusion with gentiles is not assumed to have engaged in intercourse with them. This apparently contradicts the statement of the mishna here, which rules that a woman may not seclude herself with gentiles.

אָלָּא לָאו שְׁמַע מִינָּהּ: שָׁאנֵי לָן בֵּין לְכַתְּחִלָּה לְדִיעֲבַד. מַמַּאי? דִּלְמָא לְעוֹלָם אֵימָא לָךְ: אֲפִילּוּ דִּיעֲבַד נַמִּי לָא, וְהָכָא הַיְינוּ טַעְמָא – דִּמְתַיְּירָא מִשּׁוּם הֶפְסֵד מָמוֹנוֹ!

The Gemara continues: **Rather, isn't it** correct to **conclude from** here that there is **a difference for us between *ab initio*,** as in the mishna here, **and after the fact,** as in the mishna in *Ketubot*? The Gemara rejects this conclusion: **From where** can this be proven? **Perhaps I** could **actually say to you:** Generally, **even after the fact,** one **may not** assume that a woman who was secluded with a gentile did not engage in intercourse with him, **and here,** in the mishna in *Ketubot*, **this is the reason** that she is permitted to her husband even after having been imprisoned: **Since** her husband might not agree to pay if his wife was raped, the gentile **is fearful** of raping her **due to the** potential **loss of his money.**

תֵּדַע, דְּקָתָנֵי סֵיפָא: עַל יְדֵי נְפָשׁוֹת אֲסוּרָה לְבַעְלָהּ, וְתוּ לָא מִידֵּי.

The Gemara adds: **Know** that this is the explanation, **as the latter clause** of that mishna **teaches:** If she was imprisoned **due to a capital** offense **she is forbidden to her husband.** Clearly, the difference is that in this case there is no incentive for the gentiles to leave her unharmed. The Gemara concludes: **And nothing more**[N] needs discussion, as this is certainly the correct interpretation of that mishna.

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רַבִּי פְּדָת אָמַר, לָא קַשְׁיָא: הָא רַבִּי אֱלִיעֶזֶר, הָא רַבָּנַן; דְּתַנְיָא גַּבֵּי פָּרַת חַטָּאת, רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֵינָהּ נַעֲקַרַת מִן הַגּוֹיִם, וַחֲכָמִים מַתִּירִין; מַאי לָאו בְּהָא קָמִיפַּלְגִי, דְּרַבִּי אֱלִיעֶזֶר סָבַר: חָיְישִׁינַן לְרִבִּיעָה, וְרַבָּנַן סָבְרִי: לָא חָיְישִׁינַן לְרִבִּיעָה?

Rabbi Pedat said: The contradiction between the mishna, which rules that gentiles are suspected of bestiality, and the *baraita*, which permits an animal purchased from gentiles to be sacrificed as an offering, is **not difficult; this** mishna is in accordance with the opinion of **Rabbi Eliezer,** while **that** *baraita* is in accordance with the opinion of **the Rabbis. As we learned** in a mishna (*Para* 2:1) **with regard to the** red **heifer of purification: Rabbi Eliezer says** that **it may not be purchased from gentiles, and the Rabbis permit**[H] it to be purchased from gentiles. Rabbi Pedat explains: **What, is it not** correct to say that Rabbi Eliezer and the Rabbis **disagree with regard to this** issue, **that Rabbi Eliezer holds** that **we are concerned that** a person might have engaged in **bestiality** with the animal, **and the Rabbis hold** that **we are not concerned that** a person engaged in **bestiality** with the animal?

מִמַּאי? דִּלְמָא דְּכוּלֵי עָלְמָא לָא חָיְישִׁינַן לְרִבִּיעָה, וְהָכָא הַיְינוּ טַעְמָא דְּרַבִּי אֱלִיעֶזֶר – כִּדְרַב יְהוּדָה אָמַר רַב, דְּאָמַר רַב יְהוּדָה אָמַר רַב: הִנִּיחַ עֲלֵיהֶן עוּדָּה שֶׁל שַׁקִּין – פְּסָלָה, וּבְעֻגְלָה – עַד שֶׁתִּמְשׁוֹךְ בָּהּ;

The Gemara rejects this conclusion: **From where** do you know that this is the case? **Perhaps everyone** agrees that **we are not concerned that** a person might have engaged in **bestiality** with the animal, **and here, this is the reasoning of Rabbi Eliezer:** He holds **in accordance with** a statement **that Rabbi Yehuda** says that **Rav says. As Rabbi Yehuda says** that **Rav says:** If **one placed a bundle of sacks**[HN] **upon** a red heifer, **he has rendered it unfit** for purification, as a red heifer is fit only if it has not borne any burden, in accordance with the verse: "Upon which never came a yoke" (Numbers 19:2); **and in** the case of the **heifer** whose neck is broken, it is not rendered unfit **until you pull**[N] a load **with it,**[H] as the verse states: "And which has not drawn in the yoke" (Deuteronomy 21:3).

מָר סָבַר: חָיְישִׁינַן, וּמָר סָבַר: לָא חָיְישִׁינַן! לָא סָלְקָא דַּעְתָּךְ, מִשּׁוּם נִיחָא פּוּרְתָּא לָא מַפְסִיד טוּבָא.

The Gemara elaborates: One **Sage,** Rabbi Eliezer, **holds:** A red heifer purchased from a gentile cannot be used for purification because **we are concerned** that it might have been used for labor, **and** one **Sage,** the Rabbis, **holds: We are not concerned** that the gentile used it for labor. Accordingly, the disagreement in that mishna does not relate to a concern with regard to bestiality. The Gemara responds: **No;** it cannot **enter your mind** that Rabbi Eliezer prohibits purchasing a red heifer from a gentile due to the concern that he might have placed sacks upon it, as **due to** the **slight convenience** of placing a bundle of sacks upon the heifer, the gentile will **not forfeit** the potential to earn **a great deal** of money which he can obtain by selling the heifer.

הָכִי נַמִּי לֵימָא: מִשּׁוּם הֲנָאָה פּוּרְתָּא לָא מַפְסִיד טוּבָא! הָתָם יִצְרוֹ תּוֹקְפוֹ.

The Gemara counters: **So too, let us say: Due to** the **slight pleasure** of engaging in bestiality with an animal, a gentile **will not forfeit a great deal** of money which he can otherwise obtain by selling the heifer. The Gemara responds: **There,** with regard to bestiality, **his inclination overcomes him,**[N] and he is apt to engage in bestiality with the heifer despite the fact that he knows it is to his disadvantage to do so.

וְדִלְמָא דְּכוּלֵי עָלְמָא לָא חָיְישִׁינַן לְרִבִּיעָה, וְהָכָא הַיְינוּ טַעְמָא דְּרַבִּי אֱלִיעֶזֶר – כִּדְתָנֵי שֵׁילָא, דְּתָנֵי שֵׁילָא: מַאי טַעְמָא דְּרַבִּי אֱלִיעֶזֶר? "דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְיִקְחוּ אֵלֶיךָ" – בְּנֵי יִשְׂרָאֵל יִקָּחוּ, וְאֵין הַגּוֹיִם יִקָּחוּ!

The Gemara suggests: **And perhaps everyone** agrees that **we are not concerned that** a person might have engaged in **bestiality** with the animal, **and here, this is the reason of Rabbi Eliezer, in accordance with that** which **Sheila taught, as Sheila taught** in a *baraita*: **What is the reason of Rabbi Eliezer?** The verse states: **"Speak unto the children of Israel that they take to you** a red heifer" (Numbers 19:2). This teaches that **the children of Israel take**[N] the red heifer, **but gentiles do not take** the red heifer.

לָא סָלְקָא דַּעְתָּךְ, דְּקָתָנֵי סֵיפָא: וְכֵן הָיָה רַבִּי אֱלִיעֶזֶר פּוֹסֵל בְּכָל הַקָּרְבָּנוֹת כּוּלָּן; וְאִי סָלְקָא דַּעְתָּךְ כִּדְתָנֵי שֵׁילָא, בִּשְׁלָמָא פָּרָה כְּתִיב בָּהּ קִיחָה, אֶלָּא כּוּלְּהוּ קָרְבָּנוֹת קִיחָה כְּתִיב בְּהוּ? וְדִלְמָא עַד כָּאן לָא פְּלִיגִי רַבָּנַן עֲלֵיהּ דְּרַבִּי אֱלִיעֶזֶר,

The Gemara answers: It should **not enter your mind** to say so, **as the latter clause** of that same *baraita* **teaches: And similarly, Rabbi Eliezer would disqualify** an animal purchased from a gentile **in** the case of **all offerings.** The Gemara elaborates: **And if** it should **enter your mind** that Rabbi Eliezer's reason is **in accordance with that** which **Sheila taught, granted, in** the case of the red **heifer** a term of **taking is written, but** is a term of **taking written with regard to all** other **offerings?** Since a term of taking does not appear in the context of other offerings, this cannot be Rabbi Eliezer's reasoning. The Gemara suggests: **And perhaps the Rabbis disagree with Rabbi Eliezer**

HALAKHA

And the Rabbis permit – וַחֲכָמִים מַתִּירִין: It is permitted to take a red heifer from a gentile. There is no concern that the gentile might have engaged in bestiality with his animal, as it is assumed that he would not risk forfeiting its value. The *halakha* is in accordance with the opinion of the Rabbis (Rambam *Sefer Tahara*, *Hilkhot Para Aduma* 1:7).

One placed a bundle of sacks – הִנִּיחַ עֲלֵיהֶן עוּדָּה שֶׁל שַׁקִּין: If one places a package of sacks on the red heifer, the red heifer is disqualified (Rambam *Sefer Tahara*, *Hilkhot Para Aduma* 1:7).

And in the case of the heifer whose neck is broken it is not rendered unfit until you pull a load with it – וּבְעֻגְלָה עַד שֶׁתִּמְשׁוֹךְ בָּהּ: Any labor that disqualifies the red heifer also disqualifies the heifer whose neck is broken. This ruling is in accordance with the conclusion of the Gemara on *Sota* 46a (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 10:3).

NOTES

Bundle [*udda*] of sacks – עוּדָּה שֶׁל שַׁקִּין: Some commentaries explain that this means a package of empty sacks (Rashi; Rambam). The Rambam further suggests that it might be referring to a piece of wood into which the sacks were woven. Alternatively, *udda* is a kind of decorative belt placed on the cow for aesthetic reasons or some other purpose (Rabbeinu Ḥananel; Ra'avad, citing one of the *ge'onim*).

Until you pull – עַד שֶׁתִּמְשׁוֹךְ: Merely placing an item upon a red heifer does not disqualify it from being used, as in the case of the heifer whose neck is broken. It is disqualified only if it pulls a load a distance of at least one handbreadth (*Sota* 9b; see Ra'avad and Meiri).

His inclination overcomes him – יִצְרוֹ תּוֹקְפוֹ: Some commentaries explain that according to Rabbi Pedat a gentile is not concerned about the loss of money at all, as he is overpowered by his inclination (Ra'avad; Rid; Ritva). Others contend that Rabbi Pedat agrees that in general, the gentile is concerned about the money and consequently refrains from engaging in bestiality with the animal to avoid the possibility that it will become barren. Nevertheless, in this case, due to its great value he is certain that the Jews will want to buy the heifer, and therefore he assumes that he will be able to hide any evidence of his actions and has no inhibitions about following his inclination (*Tosafot*; see Rabbeinu Elḥanan).

Take [*yikḥu*] – יִקָּחוּ: Rabbi Eliezer expounds this term as though it were written *yakiḥu*, will cause to be taken, i.e., sell. In other words, the heifer must be sold by a Jew (Rashi).

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אֶלָּא בְּפָרָה דְּדָמְיָא יְקָרִין, אֲבָל בִּשְׁאָר קָרְבָּנוֹת מוֹדוּ לֵיהּ!

only with regard to the red **heifer, as its price is exorbitant,** and the Rabbis maintain that the gentile would not risk forfeiting the profit for a temporary benefit. **But with regard to the rest** of the **offerings,** which are not exceptionally valuable, **they concede to** Rabbi Eliezer that animals purchased from gentiles may not be used for these offerings.

וְאֶלָּא הָא דְּתַנְיָא: לוֹקְחִין מֵהֶן בְּהֵמָה לְקָרְבָּן, מַנִּי? לָא רַבִּי אֱלִיעֶזֶר וְלָא רַבָּנַן!

The Gemara rejects this possibility: **But** what about **that which is taught** in the *Tosefta*, cited earlier: **One may purchase an animal from** gentiles **for** use as **an offering;** in accordance with **whose** opinion was this taught? It is **not** the opinion of **Rabbi Eliezer nor** that of **the Rabbis.**

וְעוֹד, תַּנְיָא בְּהֶדְיָא: מַאי אוֹתִיבוּ לֵיהּ חַבְרוֹהִי לְרַבִּי אֱלִיעֶזֶר? ״כָּל צֹאן קֵדָר יִקָּבְצוּ לָךְ...יַעֲלוּ לְרָצוֹן עַל מִזְבְּחִי״.

And furthermore, it is explicitly taught in a *baraita*: **What did Rabbi Eliezer's colleagues respond to him** with regard to his ruling that an animal purchased from gentiles may not be used as an offering? They quoted a verse: **"All flocks of Kedar shall be gathered together unto you,** the rams of Nebaioth shall minister unto you; **they shall come up with acceptance upon My altar"** (Isaiah 60:7). Since the Rabbis learn from this verse that animals intended for use in all types of offerings may be purchased from gentiles, there is no reason to assume that they concede to Rabbi Eliezer. Consequently, Rabbi Pedat's opinion that the mishna is in accordance with the opinion of Rabbi Eliezer, while the *baraita* is in accordance with the opinion of the Rabbis, remains uncontroverted.

עַד כָּאן לָא פְּלִיגִי אֶלָּא בְּחַשָּׁשָׁא, אֲבָל הֵיכָא דְּוַדַּאי רְבָעָהּ – פְּסָלָהּ; שְׁמַע מִינָּהּ דְּפָרָה קָדְשֵׁי מִזְבֵּחַ הִיא, דְּאִי קָדְשֵׁי בֶּדֶק הַבַּיִת, מִי מִיפַּסְלָא בָּהּ רְבִיעָה!

§ The Gemara continues to discuss the *halakhot* of the red heifer. Rabbi Eliezer and the Rabbis **disagree only with regard to** a case where there is merely **a concern** that a person engaged in bestiality with the animal. **But** in a situation **where** the gentile **certainly engaged in bestiality with it,** all agree that **he has disqualified it** as an offering. The Gemara comments: **Learn from it that** the red **heifer is** classified as **consecrated for the altar,**[N] **as if** it were classified as **consecrated for Temple maintenance,**[N] **does** the fact that a person engaged in **bestiality** with it serve to **disqualify it?** Items consecrated for the maintenance of the Temple, which are not sacrificed upon the altar, are not rendered unfit by this act.

שָׁאנֵי פָּרָה, דְּחַטָּאת קְרֵייהּ רַחֲמָנָא.

The Gemara rejects this conclusion: Although it is classified as consecrated for Temple maintenance, the purification offering of the red **heifer is different, as the Merciful One labels it** with the term for **a sin-offering.**[NH] Accordingly, the red heifer is subject to the same *halakhot* as a sin-offering, which means it is disqualified if it is the object of bestiality.

אֶלָּא מֵעַתָּה, תִּיפָּסֵל בְּיוֹצֵא דּוֹפָן! וְכִי תֵּימָא הָכִי נַמִּי, אַלְמָה תַּנְיָא: הִקְדִּישָׁהּ בְּיוֹצֵא דּוֹפָן – פְּסוּלָה, וְרַבִּי שִׁמְעוֹן מַכְשִׁיר!

The Gemara counters: **If that is so,** then the red heifer **should be disqualified** if it was **born by caesarean section,**[N] as this is the *halakha* concerning all other sin-offerings. The Gemara adds: **And if you would say** that **indeed, that is so,** then **why is it taught** in a *baraita*: If one **consecrated** a red heifer despite the fact that it was **born by caesarean section,** it is **disqualified** for use as a red heifer, **and Rabbi Shimon deems** the heifer **fit** for use in purification. If, as indicated by the verse, the *halakhot* of a sin-offering apply to the red heifer, how can Rabbi Shimon deem this animal fit?

וְכִי תֵּימָא, רַבִּי שִׁמְעוֹן לְטַעֲמֵיהּ, דְּאָמַר: יוֹצֵא דּוֹפָן וָלָד מְעַלְיָא הוּא, וְהָאָמַר רַבִּי יוֹחָנָן: מוּדֶה הָיָה רַבִּי שִׁמְעוֹן לְעִנְיַן קָדָשִׁים שֶׁאֵינוֹ קָדוֹשׁ!

The Gemara adds: **And if you would say** that **Rabbi Shimon** conforms **to his** standard line of **reasoning, as he says** (see *Nidda* 40a): A baby **born by caesarean section is** considered **a full-fledged offspring** and is no different from a baby born in a regular manner, that is difficult: **But doesn't Rabbi Yoḥanan say** that **Rabbi Shimon would concede with regard to sacrificial** animals[N] **that** an animal born by caesarian section **is not consecrated?** If so, even Rabbi Shimon should agree that the heifer is disqualified.

NOTES

Is consecrated for the altar – קָדְשֵׁי מִזְבֵּחַ הִיא: If the red heifer is considered consecrated for the altar, then the *halakhot* of offerings brought upon the altar pertain to it as well. Accordingly, it cannot be redeemed once it has been consecrated unless it develops a permanent defect. Furthermore, any impairment that renders a consecrated animal unfit for the altar, e.g., if a person engaged in bestiality with it, if it was worshipped as an idol, or if it killed someone, likewise disqualifies the red heifer.

Consecrated for Temple maintenance – קָדְשֵׁי בֶּדֶק הַבַּיִת: This category includes all items of any value that are consecrated to the Temple, even simple items such as rocks. It stands to reason that the red heifer is included in this category because unlike other offerings it is not sacrificed upon the altar, nor is it brought into the Temple itself. Instead, it is slaughtered and its ritual is performed outside the Temple on the Mount of Olives. Since consecrations for Temple maintenance are not rendered unfit due to bestiality, the red heifer should not be disqualified for this reason either.

As the Merciful One labels it with the term for a sin-offering – דְּחַטָּאת קְרֵייהּ רַחֲמָנָא: The term for a sin-offering, *ḥatat*, is used frequently in the Torah's description of the red heifer and its *halakhot*. It is derived from here that the same flaws which render a sin-offering unfit likewise disqualify a red heifer. Nevertheless, with regard to other matters, e.g., redemption, it is classified as an item consecrated for Temple maintenance.

The red heifer should be disqualified if it was born by caesarean section – תִּיפָּסֵל בְּיוֹצֵא דּוֹפָן: The early commentaries suggest two interpretations of this difficulty. According to the first explanation, the phrase: If that is so, is referring to the comparison between the red heifer and a sin-offering. In other words, if these two are equated, then the same *halakhot* should apply in equal measure to both. Since the red heifer is not disqualified even if it was born by caesarean section, it follows that the Torah does not in fact compare it to a sin-offering (Rid). According to the second interpretation, the phrase: If that is so, is referring to the basic claim that the red heifer is disqualified as a result of it being the object of bestiality. Therefore, the question is as follows: If the heifer is disqualified due to bestiality, why is it not also disqualified if it was born by caesarean section? This difficulty applies whether the reason the red heifer is disqualified due to bestiality is because it is compared to a sin-offering or because it is classified as consecrated for the altar (see Ra'avad and *Tosafot*).

With regard to sacrificial animals – לְעִנְיַן קָדָשִׁים: The *halakhot* of all offerings is derived by verbal analogy from the case of a firstborn (see *Nidda* 40a): Just as the sanctity of the firstborn applies only to offspring born via vaginal birth, as it is stated: "Whoever opens the womb" (Exodus 13:2), the *halakha* is the same concerning all other offerings (Rashi; Ra'avad).

HALAKHA

As the Merciful One labels it a sin-offering – דְּחַטָּאת קְרֵייהּ רַחֲמָנָא: The red heifer is classified as consecrated for Temple maintenance. Nevertheless, any blemish that renders offerings invalid also disqualifies the red heifer, as it is stated: "Speak unto the children of Israel that they will take to you a red heifer, faultless, which has no blemish" (Numbers 19:2). Similarly, if the heifer was born by caesarean section, or was received in exchange for a dog, or given as payment to a harlot, or was an animal with a condition that will cause it to die within twelve months [*tereifa*], or a person engaged in bestiality with it, it is disqualified. The reason for these conditions is that the Torah uses the term for a sin-offering in connection with the red heifer (Rambam *Sefer Tahara*, *Hilkhot Para Aduma* 1:7).

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אֶלָּא שָׁאנֵי פָּרָה, הוֹאִיל וּמוּם פּוֹסֵל בָּהּ – דִּבַּר עֶרְוָה וַעֲבוֹדָה זָרָה נַמִי פּוֹסֵל בָּהּ; דִּכְתִיב: ״כִּי מָשְׁחָתָם בָּהֶם מוּם בָּם״, וְתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: כָּל מָקוֹם שֶׁנֶּאֱמַר הַשְׁחָתָה – אֵינוֹ אֶלָּא דִּבַּר עֶרְוָה וַעֲבוֹדָה זָרָה,

The Gemara explains: **Rather,** the red **heifer is different: Since a blemish disqualifies it,**[N] **a matter of licentiousness and** a matter of **idol worship also disqualify it, as it is written:** "Neither from the hand of a foreigner shall you offer the bread of your God of any of these, **because their corruption is in them, there is a blemish in them"** (Leviticus 22:25). This verse indicates that corruption is considered a blemish, **and the school of Rabbi Yishmael taught: Anywhere that** the term **corruption is stated,** it **is** a reference to **nothing other than a matter of licentiousness and idol worship.**

דִּבַּר עֶרְוָה – דִּכְתִיב: ״כִּי הִשְׁחִית כָּל בָּשָׂר אֶת דַּרְכּוֹ עַל הָאָרֶץ״, וַעֲבוֹדָה זָרָה – דִּכְתִיב: ״פֶּן תַּשְׁחִתוּן וַעֲשִׂיתֶם לָכֶם פֶּסֶל״; וְהָא פָּרָה נַמִי, הוֹאִיל וּמוּם פּוֹסֵל בָּהּ – דִּבַּר עֶרְוָה וַעֲבוֹדָה זָרָה פָּסְלִי בָּהּ.

The Gemara supports this claim: Corruption is a reference to **a matter of licentiousness, as it is written** with regard to the generation of the flood: "And God saw the earth, and, behold, it was corrupt; **for all flesh had corrupted**[N] **their way upon the earth"** (Genesis 6:12). **And** corruption also is a reference to **idol worship, as it is written: "Lest you deal corruptly, and make you a graven image"** (Deuteronomy 4:16). **And consequently,** with regard to the red **heifer also, since a blemish disqualifies it, a matter of licentiousness and idol worship** likewise **disqualify it.**

גּוּפָא, תָּנְיֵי שֵׁילָא: מַאי טַעְמָא דְּרַבִּי אֱלִיעֶזֶר? דִּכְתִיב: ״דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְיִקְחוּ״ – בְּנֵי יִשְׂרָאֵל יִקְּחוּ, וְאֵין הַגּוֹיִם יִקְּחוּ. אֶלָּא מֵעַתָּה, ״דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְיִקְחוּ לִי תְּרוּמָה״ – הָכִי נַמִי דִּבְנֵי יִשְׂרָאֵל יִקְּחוּ, וְאֵין הַגּוֹיִם יִקְּחוּ?

§ Earlier, Sheila provided a rationale for Rabbi Eliezer's ruling that a red heifer may not be purchased from gentiles. The Gemara examines **the** matter **itself. Sheila teaches** in a *baraita*: **What is the reasoning of Rabbi Eliezer?** It is **as it is written: "Speak unto the children of Israel that they take to you** a red heifer" (Numbers 19:2). This indicates that **the children of Israel take** the red heifer, **but gentiles do not take** the red heifer. The Gemara asks: **If that is so,** then when the verse states with regard to the donations for the Tabernacle: **"Speak unto the children of Israel, that they take for Me an offering"** (Exodus 25:2), **so too** one can claim **that** only **the children of Israel take** an offering for God, **but gentiles do not take** an offering, and that no items for the Temple service may be purchased from gentiles.

וְכִי תֵּימָא הָכִי נַמִי, וְהָאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל, שָׁאֲלוּ אֶת רַבִּי אֱלִיעֶזֶר: עַד הֵיכָן כִּיבּוּד אָב וָאֵם? אָמַר לָהֶם: צְאוּ וּרְאוּ מָה עָשָׂה גּוֹי אֶחָד לְאָבִיו בְּאַשְׁקְלוֹן וְדָמָא בֶּן נְתִינָה שְׁמוֹ, פַּעַם אַחַת בִּקְּשׁוּ מִמֶּנּוּ אֲבָנִים לָאֵפוֹד

And if you would say that **indeed, that is so,** this cannot be correct. **But doesn't Rav Yehuda say** that **Shmuel says:** The Sages **asked Rabbi Eliezer: To what extent** must one exert himself to fulfill the mitzva of **honoring one's father and mother?**[N] Rabbi Eliezer **said to them: Go and see what a certain gentile did**[N] **for his father in Ashkelon, and his name is Dama**[L] **ben Netina.**[P] **Once,** the Sages **sought** to purchase precious **stones from him for the ephod** of the High Priest

LANGUAGE

Dama – דָּמָא: This is the Aramaic form of a Greek name, probably Δαμας, *Damas*, which means to overcome or triumph. This might be the full name of this man, or a shortened version of a longer name. It is also possible that it is the Aramaic form of the Greek word δῆμος, *dēmos*, which means people.

PERSONALITIES

Dama ben Netina – דָּמָא בֶּן נְתִינָה: Dama ben Netina was a gentile resident of Ashkelon, where he served as a member of the city council. Dama, who is praised in several sources, was apparently very wealthy and highly regarded in his community and beyond. The exceptional respect Dama extended to his parents is often cited as a paradigm for the fulfillment of the mitzva to honor one's father and mother.

NOTES

Since a blemish disqualifies it – הוֹאִיל וּמוּם פּוֹסֵל בָּהּ: Since the verse states concerning the red heifer that it must be "faultless, which has no blemish" (Numbers 19:2), it must be unblemished, despite the fact that it is not considered consecrated for the altar. The school of Rabbi Yishmael teaches that if a blemish disqualifies an animal, the same applies to the two other forms of disqualification, i.e., licentiousness and idolatry.

For all flesh had corrupted – כִּי הִשְׁחִית כָּל בָּשָׂר: It is clear from the context of this verse that this corruption is manifested in the form of forbidden sexual relations, as an earlier verse states: "And they took them wives, whomsoever they chose" (Genesis 6:2; Rashi).

To what extent must one exert himself to fulfill the mitzva of honoring one's father and mother – עַד הֵיכָן כִּיבּוּד אָב וָאֵם: The commentaries note that even according to the opinion that one does not have to exhaust his funds in the fulfillment of this mitzva, no such leniency applies when honoring one's parents merely prevents a financial gain (Ritva). Accordingly, if a Jew were placed in the situation of Dama ben Netina, he would likewise be obligated to refrain from waking his father (see *Shulḥan Arukh*, *Yoreh De'a* 240:8).

What a certain gentile did – מָה עָשָׂה גּוֹי אֶחָד: If a gentile, who is not obligated in the mitzva of honoring his father, behaved in such a noble manner, certainly a Jew, who is obligated in the mitzva of honoring his father, must act similarly (Rashi).

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בְּשִׁשִּׁים רִבּוֹא שָׂכָר; רַב כָּהֲנָא מַתְנֵי: בִּשְׁמוֹנִים רִבּוֹא; וְהָיוּ מַפְתְּחוֹת מוּנָּחוֹת תַּחַת מְרַאֲשׁוֹתָיו שֶׁל אָבִיו וְלֹא צִעֲרוֹ!

for six hundred thousand gold dinars' **profit,** and **Rav Kahana teaches** that it was **eight hundred thousand** dinars' profit. **But the keys** to the chest holding the jewels **were placed under his father's head, and he would not disturb him.** It is evident from this story that the stones of the ephod may be purchased from gentiles. If so, Rabbi Eliezer's reasoning cannot be based on Numbers 19:2, as an identical phrase appears in Exodus 25:2, and yet contributions to the Tabernacle may be accepted from gentiles.

"אַבְנֵי שֹׁהַם" הִפְסִיק הָעִנְיָן. וְהָא "וְאַבְנֵי מִלּוּאִים" כְּתִיב, דְּהַדַּר עָרְבֵיהּ!

The Gemara answers that the phrase **"onyx stones"** (Exodus 25:7) **concluded** discussion of that **matter.** In other words, almost all the items listed in Exodus, chapter 25, for the contributions to the Tabernacle, are joined by the conjunction "and." Before the verse mentions the stones for the ephod, it states "onyx stones," without the conjunction "and." This omission serves to disconnect these stones from the earlier phrase: "That they take" (Exodus 25:2), which means that the disqualification of items purchased from gentiles for use in the Temple derived from this phrase does not apply to the items listed after that point, including the stones of the ephod. The Gemara asks: **But isn't it** subsequently **written: "And stones to be set,"**[N] by **which the verse goes back and combines** the list, so that the earlier verse applies once more? Accordingly, it should be prohibited to purchase any of the items listed in the verse from gentiles.

וְעוֹד, קָתָנֵי סֵיפָא: לְשָׁנָה אַחֶרֶת נוֹלְדָה לוֹ פָּרָה אֲדוּמָּה בְּעֶדְרוֹ, נִכְנְסוּ חַכְמֵי יִשְׂרָאֵל אֶצְלוֹ, אָמַר לָהֶם: יוֹדֵעַ אֲנִי בָּכֶם שֶׁאִם אֲנִי מְבַקֵּשׁ מִכֶּם כָּל מָמוֹן שֶׁבָּעוֹלָם אַתֶּם נוֹתְנִין לִי, עַכְשָׁיו אֵינִי מְבַקֵּשׁ מִכֶּם אֶלָּא אוֹתוֹ מָמוֹן שֶׁהִפְסַדְתִּי בִּשְׁבִיל אַבָּא!

The Gemara adds: **And furthermore, the latter clause teaches: In a subsequent year, a red heifer was born in** Dama's **herd** and **the Sages of Israel approached him,** seeking to purchase the heifer. Dama **said to them: I know concerning you that if I** were to **ask from you all the money in the world, you would give** it **to me. Now I am requesting from you only that** amount of **money which I lost by** refraining from waking **my father.** This latter clause explicitly states that the Sages intended to purchase a red heifer from a gentile, which contradicts the ruling of Rabbi Eliezer.

הָתָם עַל יְדֵי תַּגָּרֵי יִשְׂרָאֵל זְבִין.

The Gemara answers: **There,** it was **through** the agency of **Jewish merchants** that **they purchased** the heifer. In other words, Jewish merchants purchased the heifer from Dama ben Netina, after which the Sages acquired the animal from the merchants to be used as a red heifer of purification. In this manner, the animal was purchased for the purpose of an offering from Jews.

וְרַבִּי אֱלִיעֶזֶר לָא חָיֵישׁ לִרְבִיעָה?

According to Sheila, Rabbi Eliezer's reason for not allowing a red heifer to be purchased from gentiles is based on a derivation from a verse rather than a concern that a person may have engaged in bestiality with it. The Gemara therefore asks: **And is Rabbi Eliezer not concerned about** the possibility that a person has engaged in **bestiality** with the animal?

וְהָתַנְיָא, אָמְרוּ לוֹ לְרַבִּי אֱלִיעֶזֶר: מַעֲשֶׂה וּלְקָחוּהָ מִן הַגּוֹי וְדָמָא שְׁמוֹ, וְאָמְרִי לָהּ רֶמֶץ שְׁמוֹ, אָמַר לָהֶן רַבִּי אֱלִיעֶזֶר: מִשָּׁם רְאָיָה? יִשְׂרָאֵל הָיוּ מְשַׁמְּרִין אוֹתָהּ מִשָּׁעָה שְׁנּוֹלְדָה! רַבִּי אֱלִיעֶזֶר תַּרְתֵּי אִית לֵיהּ: קִיחָה, וְחָיֵישׁ נַמִי לִרְבִיעָה.

The Gemara elaborates: **But isn't it taught** in a *baraita* that the Rabbis who hold that the heifer may be purchased from a gentile **said to Rabbi Eliezer:** There was **an incident** in which Jews **purchased** the red heifer **from a gentile, and Dama was his name. And some say Remetz was his name.** In response to this claim, **Rabbi Eliezer said to them:** Can one bring **a proof from there?** Certainly not, as **Jews were safeguarding it from the time that it was born,** to ensure that a person did not engage in bestiality with it. Contrary to the opinion of Sheila, it is evident from here that Rabbi Eliezer was concerned about this possibility. The Gemara explains that **Rabbi Eliezer has two** requirements:[N] The **purchase** of the red heifer must be from a Jew, **and he is also concerned about** the possibility that a person had engaged in **bestiality** with the animal.

NOTES

But isn't it subsequently written, and stones to be set – וְהָא וְאַבְנֵי מִלּוּאִים כְּתִיב: Rashi explains that the conjunctive "and" in the phrase: "And stones to be set," links both these stones and the onyx stones to the earlier verse, which states: "Speak unto the children of Israel and they will take for Me." Accordingly, both these types of stones are included in the prohibition against bringing items for the Sanctuary or Temple that were purchased from a gentile. Others contend that only the stones for the ephod are connected to the earlier verse, whereas the onyx stones remain disconnected. If this is the case, then onyx stones may be purchased from a gentile. According to this opinion, the stones acquired from Dama were in fact onyx stones for the breastplate, and the Gemara calls them stones of the ephod because the breastplate is attached to the ephod (*Tosafot*).

Rabbi Eliezer has two requirements – רַבִּי אֱלִיעֶזֶר תַּרְתֵּי אִית לֵיהּ: Therefore, according to Sheila, the red heifer must have been safeguarded by a Jew to protect it from engaging in bestiality, and also it must have been purchased from a Jewish seller, in fulfillment of the verse: "The children of Israel will take."

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אָמַר מָר: יִשְׂרָאֵל הָיוּ מְשַׁמְּרִין אוֹתָהּ מִשָּׁעָה שֶׁנּוֹלְדָה. וְנֵיחוּשׁ דִּילְמָא רַבְעִי לְאִמָּא כִּי הֲוָה מְעַבְּרָה, דְּאָמַר רָבָא: וְוֹלֵד הַנּוֹגַחַת – אֲסוּרָה, הֵיא וְוַלְדָּהּ נָגְחוּ; וְוֹלֵד הַנִּרְבַּעַת – אֲסוּרָה, הֵיא וְוַלְדָּהּ נִרְבְּעוּ! אֵימָא: יִשְׂרָאֵל הָיוּ מְשַׁמְּרִין אוֹתָהּ מִשָּׁעָה שֶׁנּוֹצְרָה.

The Gemara analyzes Rabbi Eliezer's statement. **The Master said: Jews were safeguarding** the red heifer purchased from Dama ben Netina **from the time that it was born.** The Gemara asks: **And let us be concerned** that **perhaps** gentiles **engaged in bestiality with the mother while she was pregnant, as Rava says: The offspring of** an animal that **gored**[H] and killed a Jew **is forbidden** as an offering, as it is considered as if **she and her offspring** together **gored.**[N] And similarly, **the offspring of** an animal that was the object of **bestiality is forbidden** because it is considered as if a person **engaged in bestiality** with both **her and her offspring.** The Gemara answers: **Say** that Rabbi Eliezer meant that **Jews were safeguarding it from the time that it was conceived.**

וְנֵיחוּשׁ דִּילְמָא רְבָעוּהָ לְאִמָּא מֵעִיקָּרָא, דְּתְנַן: כָּל הַפְּסוּלִין לְגַבֵּי מִזְבֵּחַ – וְלָדוֹתֵיהֶן מוּתָּרִין, וְתָנֵי עֲלָהּ: רַבִּי אֱלִיעֶזֶר אוֹסֵר!

The Gemara asks: **And let us be concerned** that **perhaps they engaged in bestiality with the mother from the outset,** i.e., before conception, **as we learned** in a mishna (*Temura* 30b): With regard to **all** animals **that are disqualified for the altar,** such as one that was the object of bestiality, sacrifice of **their offspring is permitted; and it is taught with regard to** this case that **Rabbi Eliezer prohibits**[N] their offspring from being sacrificed on the altar. If this is the case, Rabbi Eliezer should agree that there is a concern that a person might have engaged in bestiality with the heifer's mother at some point before its birth.

הָנִיחָא לְרָבָא, דְּאָמַר רָבָא אָמַר רַב נַחְמָן: מַחֲלוֹקֶת כְּשֶׁנִּרְבְּעוּ כְּשֶׁהֵן מוּקְדָּשִׁין, אֲבָל כְּשֶׁהֵן חוּלִּין – דִּבְרֵי הַכֹּל מוּתָּרִין;

The Gemara clarifies the difficulty: Granted, **this works out well according to** the opinion of **Rava, as Rava says** that **Rav Naḥman says:** The **dispute** between the Rabbis and Rabbi Eliezer applies only **when** a person **engaged in bestiality** with the animals **when they were consecrated** and then they conceived, as Rabbi Eliezer holds that in that case the offspring are disqualified from being sacrificed as offerings; **but** if someone engaged in bestiality with the animals **when they were non-sacred, everyone agrees** that the offspring **are permitted.** Accordingly, it needs to be ascertained only that no one engaged in bestiality with the mother after she was consecrated.

אֶלָּא לְרַב הוּנָא בַּר חִינָּנָא אָמַר רַב נַחְמָן: מַחֲלוֹקֶת כְּשֶׁנִּרְבְּעוּ כְּשֶׁהֵן חוּלִּין, אֲבָל כְּשֶׁהֵן מוּקְדָּשִׁין – דִּבְרֵי הַכֹּל אֲסוּרִין, מַאי אִיבָּא לְמֵימַר?

But according to the opinion of **Rav Huna bar Ḥinnana,** who says that **Rav Naḥman says:** The **dispute** applies only **when** a person **engaged in bestiality** with the animals **when they were non-sacred,**[H] **but** if someone engaged in bestiality with them **when they were consecrated, everyone agrees** that the offspring **are forbidden, what is there to say?** According to this opinion, Rabbi Eliezer should be concerned that a person might have engaged in bestiality with the animal prior to conception.

אֵימָא: יִשְׂרָאֵל הָיוּ מְשַׁמְּרִין אוֹתָהּ לְאִמָּא מִשָּׁעָה שֶׁנּוֹצְרָה. וְנֵיחוּשׁ דִּילְמָא רְבָעוּהָ לְאִמָּא דְּאִמָּא! כּוּלֵי הַאי לָא חָיְישִׁינַן.

The Gemara answers: **Say** that **Jews were safeguarding it** as well, i.e., **the mother** of the red heifer, **from the time that it was conceived.** The Gemara challenges: **And let us be concerned** that **perhaps** someone **engaged in bestiality with the mother of the** heifer's **mother.** The Gemara responds: **We are not concerned** to **such an extent.**[N]

אָמַר מָר: יִשְׂרָאֵל הָיוּ מְשַׁמְּרִין אוֹתָהּ מִשָּׁעָה שֶׁנּוֹצְרָה. מְנָא יָדְעִינַן? אָמַר רַב כָּהֲנָא: כּוֹס אָדוֹם מַעֲבִירִין לְפָנֶיהָ בְּשָׁעָה שֶׁעוֹלֶה עָלֶיהָ זָכָר.

The Gemara discusses the revised version of Rabbi Eliezer's statement. **The Master said** above: **Jews were safeguarding** the red heifer **from the time that it was conceived.** The Gemara asks: **From where do we know** that the mother would give birth to a red heifer, which would warrant safeguarding her? **Rav Kahana says: They would pass a red cup before her while the male mounts her,** an act that would cause the offspring to be red.

אִי הָכִי, אַמַּאי דָּמֶיהָ יְקָרִין? הוֹאִיל וּשְׁתֵּי שְׂעָרוֹת פּוֹסְלוֹת בָּהּ. וּמַאי שְׁנָא דִּידְהוּ? אָמַר רַב כָּהֲנָא: בְּמוּחֲזָקֶת.

The Gemara asks: **If that is so,** and the birth of a red heifer can be induced in such a simple manner, **why is its price so expensive?** The Gemara answers: **Since two hairs** of a different color **render** the red heifer **unfit,** this method is unreliable. The Gemara asks another question: **And what is different** about **these** cows? Why did the Jews resort to purchasing the red heifer from a gentile when they could have induced its conception themselves? **Rav Kahana said:** Dama ben Netina owned a herd of cattle that **were known** to beget red heifers, and therefore they preferred to employ the aforementioned method with one of his cows.

HALAKHA

The offspring of an animal that gored, etc. – וְוֹלֵד הַנּוֹגַחַת וכו׳: The fetus of a pregnant animal is considered part of its mother's body. Therefore, when the mother performs an action, such as killing a human, the fetus is considered to have done so as well. Similarly, if someone engaged in bestiality with the mother, the fetus is also considered to have taken part in that act (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 3:12 and *Sefer Nezikin*, *Hilkhot Nizkei Mamon* 11:11).

When a person engaged in bestiality when they were non-sacred – כְּשֶׁנִּרְבְּעוּ כְּשֶׁהֵן חוּלִּין: If one performed a transgression using an animal, e.g., a person engaged in bestiality with it or worshipped it, or if an animal killed a person, if the act took place when it was pregnant, its offspring is disqualified from being sacrificed on the altar, like its mother. The reason is that the offspring is considered like one of the mother's limbs at the time of the act. If the mother conceived after the transgression or after it killed, it is permitted to sacrifice its offspring on the altar. This lenient *halakha* applies even if a person engaged in bestiality with the animal after it was consecrated, and all the more so if it was consecrated afterward (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 3:13).

NOTES

She and her offspring gored – הֵיא וְוַלְדָּהּ נָגְחוּ: Rava accepts the principle that a fetus is considered like the thigh of its mother. This means that the fetus is considered to be an extension of its mother's body, to the extent that it is considered to have participated in any action performed by the mother.

Rabbi Eliezer prohibits – רַבִּי אֱלִיעֶזֶר אוֹסֵר: The Gemara in *Temura* 30b explains that Rabbi Eliezer does not maintain that sacrificing the offspring of an animal disqualified for the altar constitutes an actual prohibition. Instead, he maintains that it would be disgraceful to bring such an animal to the altar (Rashi).

We are not concerned to such an extent – כּוּלֵי הַאי לָא חָיְישִׁינַן: Even if a person had certainly engaged in bestiality with the mother of the heifer's mother, the red heifer would still be acceptable. Since it is three generations removed from the act, it is no longer considered a disgrace to sacrifice this animal upon the altar (see Rid).

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יְתֵיב רַבִּי אַמִּי וְרַבִּי יִצְחָק נַפָּחָא אַקִּלְעָא דְּרַבִּי יִצְחָק נַפָּחָא, פְּתַח חַד מִינַּיְיהוּ וַאֲמַר: וְכֵן הָיָה רַבִּי אֱלִיעֶזֶר פּוֹסֵל בְּכָל הַקָּרְבָּנוֹת כּוּלָּן;

§ The Gemara relates: **Rabbi Ami and Rabbi Yitzḥak Nappaḥa were sitting on Rabbi Yitzḥak Nappaḥa's porch. One of them began and said** that the *baraita* teaches: **And, similarly, Rabbi Eliezer would disqualify all offerings** purchased from gentiles, due to the concern that a person had engaged in bestiality with the animals.

פְּתַח אִידָךְ מִינַּיְיהוּ וַאֲמַר: מַאי אוֹתִיבוּ לֵיהּ חַבְרוֹהִי לְרַבִּי אֱלִיעֶזֶר? ״כָּל צֹאן קֵדָר יִקָּבְצוּ לָךְ״ וגו׳! אָמַר לָהֶן רַבִּי אֱלִיעֶזֶר: כּוּלָּם גֵּרִים גְּרוּרִים הֵם לָעָתִיד לָבֹא.

The other one **of them began and said: What did Rabbi Eliezer's colleagues respond to him?** They quoted the verse: **"All flocks of Kedar shall be gathered together unto you,** the rams of Nebaioth shall minister unto you; they shall come up with acceptance upon My altar" (Isaiah 60:7). This verse clearly indicates that offerings will be accepted from gentiles. **Rabbi Eliezer said to them: In the future all** gentiles will **be calculating converts,**[N] i.e., those who converted for personal gain, and as converts, they will not be suspected of engaging in bestiality.

אֲמַר רַב יוֹסֵף: מַאי קְרָא? ״כִּי אָז אֶהְפֹּךְ אֶל עַמִּים שָׂפָה בְרוּרָה״ וגו׳. אֲמַר לֵיהּ אַבָּיֵי: וְדִלְמָא מֵעֲבוֹדָה זָרָה הוּא דַּהֲדוּר בְּהוּ! אֲמַר לֵיהּ רַב יוֹסֵף: ״לְעָבְדוֹ שְׁכֶם אֶחָד״ כְּתִיב.

Rav Yosef said: What is the verse from which it is derived that they will convert? The verse states: **"For then will I turn to the peoples a pure language,** that they may all call upon the name of the Lord, to serve Him with one consent" (Zephaniah 3:9). This verse indicates that all nations will worship God. **Abaye said to him: But perhaps it is** only **from idol worship that they** will **withdraw,** while they will still engage in forbidden sexual relations, including bestiality? **Rav Yosef said to him:** That cannot be, as **it is written** at the conclusion of the verse: **"To serve Him with one consent,"**[N] which indicates that the gentiles will accept all of God's mitzvot.

רַב פַּפָּא מַתְנֵי הָכִי. וְרַב זְבִיד מַתְנֵי הָכִי: וְתַרְוַיְיהוּ אָמְרִי: וְכֵן הָיָה רַבִּי אֱלִיעֶזֶר פּוֹסֵל בְּכָל הַקָּרְבָּנוֹת, וְתַרְוַיְיהוּ אָמְרִי: וּמַאי אוֹתִיבוּ לֵיהּ חַבְרוֹהִי לְרַבִּי אֱלִיעֶזֶר? ״כָּל צֹאן קֵדָר יִקָּבְצוּ לָךְ״ וגו׳. אָמַר רַבִּי אֱלִיעֶזֶר: כּוּלָּם גֵּרִים גְּרוּרִים הֵם לָעָתִיד לָבֹא;

The Gemara comments: **Rav Pappa teaches** that discussion in **this** manner, **but Rav Zevid teaches** it in **this** manner: **Both** Rabbi Ami and Rabbi Yitzḥak Nappaḥa **said: And similarly, Rabbi Eliezer would disqualify all offerings** taken from gentiles. **And both said: What did Rabbi Eliezer's colleagues respond to him?** They quoted the verse: **"All flocks of Kedar shall be gathered together unto you,** the rams of Nebaioth shall minister unto you; they shall come up with acceptance upon My altar." **Rabbi Eliezer said** to them: **All** gentiles **will be calculating converts in the future.**

וּמַאי קְרָאָה? ״כִּי אָז אֶהְפֹּךְ אֶל עַמִּים שָׂפָה בְרוּרָה לִקְרֹא כֻּלָּם בְּשֵׁם ה׳״. מַתְקִיף לָהּ רַב יוֹסֵף: וְדִלְמָא מֵעֲבוֹדָה זָרָה הוּא דְּהָדְרִי בְּהוּ! אֲמַר לֵיהּ אַבָּיֵי: ״לְעָבְדוֹ שְׁכֶם אֶחָד״ כְּתִיב.

Rabbi Eliezer continues: **And what is the verse** from which it is derived that they will convert? It is from the verse: **"For then will I turn to the peoples a pure language, that they may all call upon the name of the Lord,** to serve him with one consent." **Rav Yosef objects to this** proof: **But perhaps it is** only **from idol worship that they** will **withdraw? Abaye said to him:** That cannot be, as **it is written: "To serve Him with one consent."**

מֵיתִיבִי: ״וַיֹּאמֶר מֹשֶׁה גַּם אַתָּה תִּתֵּן בְּיָדֵנוּ זְבָחִים וְעֹלֹת״. קוֹדֶם מַתַּן תּוֹרָה שָׁאנֵי.

§ The Gemara cites a series of verses which present difficulties with regard to the claim that animals purchased from gentiles may not be used as offerings. The Gemara **raises an objection** from the following verse: **"And Moses said: You must also give into our hand offerings and burnt-offerings** that we may sacrifice unto the Lord our God" (Exodus 10:25). Moses demanded that Pharaoh provide the Jews with offerings, despite the fact that he was a gentile. The Gemara explains: The *halakha* **prior to the giving of the Torah** was **different,** as at that time it was acceptable to use animals taken from gentiles as offerings.

תָּא שְׁמַע: ״וַיִּקַּח יִתְרוֹ חוֹתֵן מֹשֶׁה עֹלָה וּזְבָחִים לֵאלֹהִים״! יִתְרוֹ נָמֵי קוֹדֶם מַתַּן תּוֹרָה הֲוָה. הָנִיחָא לְמַאן דְּאָמַר: יִתְרוֹ קוֹדֶם מַתַּן תּוֹרָה הֲוָה, אֶלָּא לְמַאן דְּאָמַר:

The Gemara raises another objection: **Come** and **hear** a proof from the verse: **"And Yitro, Moses' father-in-law, took**[N] **a burnt-offering and offerings for God"** (Exodus 18:12). Yitro was not a Jew, and yet he brought offerings for God. The Gemara answers: The incident with **Yitro was also prior to the giving of the Torah.** The Gemara observes: Granted, **this works out well according to the one who says** that the incident with **Yitro was prior to the giving of the Torah. But according to the one who says** that

NOTES

Calculating converts [*gerim gerurim*] – גֵּרִים גְּרוּרִים: Rashi explains this phrase in light of the Gemara on 3b, which states that gentiles will no longer be accepted as converts in messianic times. Instead, they will be drawn [*nigrarim*] toward Judaism of their own accord and behave like Jews. According to this interpretation, the fact that the converts will be calculating is irrelevant to the Gemara's discussion here, as the point is simply that there will no longer be a concern that the animal might have engaged in bestiality, nor will there be a problem with accepting offerings from gentiles. See Rabbeinu Ḥananel, who deletes the word *gerurim* altogether. Alternatively, the main point of Rabbi Eliezer's opinion is that the converts are insincere. Consequently, they are not proper Jews at all, and it is for this very reason that their offerings will be accepted, as the invalidation of an animal because it engaged in bestiality does not apply to the offerings of gentiles (*Sefer Avodat Avoda*).

One consent – שְׁכֶם אֶחָד: This verse teaches that in messianic times there will be no differences between the nations with regard to the worship of God, as the gentiles will behave like Jews in all regards (see Maharsha).

NOTES

And Yitro…took – וַיִּקַּח יִתְרוֹ: The Gemara is not suggesting that Yitro himself was suspected of engaging in bestiality with his animals, particularly in light of the fact that he was a righteous convert. Rather, the concern is that he might have purchased his livestock from neighboring gentiles, who were suspected of bestiality (*Meromei Sadeh*; see Rashash).

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יִתְּרוֹ לְאַחַר מַתַּן תּוֹרָה הֲוָה, מַאי אִיכָּא לְמֵימַר? אֶלָּא, יִתְּרוֹ מִישְׂרָאֵל זְבַן.

the incident involving **Yitro was after the giving of the Torah,**[N] **what is there to say?** How could they accept offerings from him? **Rather,** it must be that **Yitro purchased** the animals **from a Jew.**

תָּא שְׁמַע: ״וַיֹּאמֶר שָׁאוּל מֵעַמָּלֵקִי הֱבִיאוּם אֲשֶׁר חָמַל הָעָם עַל מֵיטַב הַצֹּאן וְהַבָּקָר (הַמִּשְׁנִים וְהַכָּרִים וְעַל כָּל הַצֹּאן) לְמַעַן זְבֹחַ לַה׳ אֱלֹהֶיךָ״! מַאי ״מֵיטַב״? דְּמֵי מֵיטַב.

The Gemara further states: **Come** and **hear** another objection from a verse: **"And Saul said: They have brought them from the Amalekites; for the people spared the best of the flock and of the herd, to sacrifice unto the Lord your God"** (1 Samuel 15:15). The verse states explicitly that the Israelites intended to sacrifice animals previously owned by gentiles. The Gemara explains: **What** is the meaning of the phrase: **"The best"?** This is referring to **the** monetary **value of the best** livestock. The intention was not to sacrifice the animals themselves, but to sell them and use the proceeds of the sale to purchase other animals to sacrifice as offerings.

וּמַאי שְׁנָא מֵיטַב? כִּי הֵיכִי דְּלִיקְפְּצוּ עֲלֵיהֶן זְבִינָא.

The Gemara inquires: **And what is different** about **the best** animals? If the animals were sold for their value, why sell those animals in particular, rather than several inferior-quality animals? The Gemara explains that they did so **in order that buyers would jump at** the opportunity to buy superior-quality livestock. In other words, it is easier to sell one superior-quality animal than several inferior-quality ones.

תָּא שְׁמַע: ״וַיֹּאמֶר אֲרַוְנָה אֶל דָּוִד יִקַּח וְיַעַל אֲדֹנִי הַמֶּלֶךְ (אֵת) הַטּוֹב בְּעֵינָיו (וְאֵת) [רְאֵה] הַבָּקָר לָעֹלָה וְהַמֹּרָגִים וּכְלֵי הַבָּקָר לָעֵצִים״! אָמַר רַב נַחְמָן: אֲרַוְנָה גֵּר תּוֹשָׁב הָיָה.

Come and **hear** another objection from a verse: **"And Araunah said unto David: Let my lord the king take and offer up what seems good unto him; behold the cattle for the burnt-offering, and the threshing instruments** [*morigim*] **and the accoutrements of the cattle for the wood"** (II Samuel 24:22). Apparently, David was willing to accept oxen as offerings from a gentile. **Rav Naḥman says: Araunah was a gentile who resided in Eretz Yisrael and observed the seven Noahide mitzvot** [*ger toshav*]**.** The seven Noahide mitzvot include the prohibition against engaging in bestiality, and therefore Araunah was not suspected of this practice.

מַאי ״מוֹרָגִים״? אָמַר עוּלָּא: מִטָּה שֶׁל טוּרְבִּיל. מַאי מִטָּה שֶׁל טוּרְבִּיל? עִיזָּא דְּקוּרְקָסָא דְּדַיְישָׁן. אָמַר רַב יוֹסֵף: מַאי קְרָא? ״הִנֵּה שַׂמְתִּיךָ לְמוֹרַג חָרוּץ חָדָשׁ בַּעַל פִּיפִיּוֹת תָּדוֹשׁ הָרִים וְתָדֵק וּגְבָעוֹת כַּמֹּץ תָּשִׂים״.

Tangentially, the Gemara asks: **What** is the meaning of the term **"*morigim*,"** mentioned in this verse? **Ulla said:** It is a ***turbil***[L] **bed.** The Gemara asks: **What** is a ***turbil* bed?** It is **a serrated board** [***kurkesa***][L] used **for threshing.**[N] **Rav Yosef said: What is the verse** from which the meaning of *morigim* is derived? It is derived from the verse: **"Behold, I have made you a new threshing board** [***morag***] **having sharp teeth; you shall thresh the mountains, and beat them small, and shall make the hills as chaff"** (Isaiah 41:15).

מֵיתִיבִי: ״וְאֶת הַפָּרוֹת הֶעֱלוּ עֹלָה לַה׳״! הוֹרָאַת שָׁעָה הָיְתָה.

The Gemara **raises an objection** to the opinion of Rabbi Eliezer. After the Philistines returned the Ark of the Covenant to the Israelites upon a cart drawn by cattle, the verse states: **"And they sacrificed the cattle as a burnt-offering unto the Lord"** (1 Samuel 6:14). Evidently, the Jews did not hesitate to sacrifice the Philistines' animals. The Gemara explains: There, **it was a provisional edict**[N] issued in extraordinary circumstances, and their actions are not representative of the general *halakha*.

הָכִי נַמִּי מִסְתַּבְּרָא, דְּאִי לָא תֵּימָא הָכִי, עוֹלָה נְקֵבָה מִי אִיכָּא?

The Gemara adds: **This also stands to reason, as, if you do not say so,** one can raise a further difficulty with this episode: **Is there a female burnt-offering?** Only males may be sacrificed as burnt-offerings. Since the Jews sacrificed the cows as burnt-offerings, it is clear that they were acting unconventionally due to extenuating circumstances.

LANGUAGE

***Turbil* – טוּרְבִּיל:** Apparently from the Greek τρίβολος, *tribolos*, one of whose meanings is a heavy board with a serrated bottom that threshes as it is dragged by an animal.

Threshing board

Serrated board [*kurkesa*] – קוּרְקָסָא: Apparently, *kurkesa* is from the Greek κίρκος, *kirkos*, or κρίκος, *krikos*, meaning a circle or a circular item. One of its meanings is a wheel used for threshing.

Wheeled threshing sledge from the mishnaic period

NOTES

After the giving of the Torah – לְאַחַר מַתַּן תּוֹרָה: According to this opinion, the events recounted in these chapters of the Torah are not in chronological order, as Yitro's arrival is written before the giving of the Torah.

For threshing – דְּדַיְישָׁן: Some commentaries explain, based on a slightly different version of the text, that this is referring specifically to a second threshing, in which the produce is beaten into small, thin pieces (*Tosefot Ḥakhmei Angliyya*).

It was a provisional edict – הוֹרָאַת שָׁעָה הָיְתָה: Since several miracles involving these cows had transpired, the people, in accordance with the instructions given to them by a prophet, sacrificed them to God. The general *halakha* cannot be derived from this event due to its exceptional nature (Rashi).

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וּמַאי קוּשְׁיָא? דִּלְמָא בְּבָמַת יָחִיד, וְכִדְרַב אַדָּא בַּר אַהֲבָה, דְּאָמַר רַב אַדָּא בַּר אַהֲבָה: מְנַיִן לְעוֹלָה נְקֵבָה שֶׁהִיא כְּשֵׁרָה בְּבָמַת יָחִיד? שֶׁנֶּאֱמַר: ״וַיִּקַּח שְׁמוּאֵל טְלֵה חָלָב אֶחָד וַיַּעֲלֵהוּ עוֹלָה״.

The Gemara rejects this proof: **And what is the difficulty?** In other words, the additional problem with the incident, that the animals were female, which is cited as proof that there were extenuating circumstances, is not in fact difficult at all. The Gemara elaborates: **Perhaps** the cows were offered **upon a private altar,**[N] **and** this is **in accordance with** the opinion **of Rav Adda bar Ahava, as Rav Adda bar Ahava says: From where** is it derived **that a female burnt-offering is fit** to be sacrificed **upon a private altar? As it is stated: "And Samuel took a milking lamb,**[N] **and sacrificed it** [***vaya'alehu***] **for a burnt-offering** unto the Lord" (1 Samuel 7:9). The phrase "milking lamb" indicates that it was a female, and yet Samuel sacrificed it upon a private altar.

״וַיַּעֲלֵהוּ״ זָכָר מַשְׁמַע! אָמַר רַב נַחְמָן בַּר יִצְחָק: ״וַיַּעֲלָהּ״ כְּתִיב.

The Gemara raises a difficulty: But the word ***vaya'alehu*** is masculine, which **means** that the lamb was **a male. Rav Naḥman bar Yitzḥak says:** Although the word is read in the masculine, **it is written** in the feminine form, ***vaya'alah,*** which teaches that even a female lamb may be sacrificed on a private altar.

רַבִּי יוֹחָנָן אָמַר: גְּבוּל יֵשׁ לָהּ, פְּחוּתָה מִבַּת שָׁלֹשׁ שָׁנִים – נֵעֶקֶרֶת, בַּת שָׁלֹשׁ שָׁנִים – אֵינָהּ נֵעֶקֶרֶת.

§ After concluding its discussion of the opinion of Rabbi Eliezer, the Gemara cites another resolution of the contradiction between the mishna and the *baraita*. **Rabbi Yoḥanan says: There is** a clear **demarcation**[N] in the case of an animal with whom a man engaged in bestiality. If she is **less than three years** old, **she becomes barren** as a result of penetration, but if she is already **three years** old, **she does not become barren.** Although gentiles are generally suspected of engaging in bestiality, the *baraita* rules that an animal that is less than three years old may be used as an offering because a gentile will refrain from engaging in bestiality with an animal that may become barren as a result of his actions.

אֵיתִיבֵיהּ כָּל הָנֵי תִּיּוּבְתָּא, שַׁנֵּי לְהוּ: פְּחוּתָה מִבַּת שָׁלֹשׁ שָׁנִים. תָּא שְׁמַע: ״וְאֶת הַפָּרוֹת הֶעֱלוּ עֹלָה לַה׳״! בִּפְחוּתָה מִבַּת שָׁלֹשׁ שָׁנִים.

They raised all of those refutations from the aforementioned verses which indicate that animals purchased from gentiles may be brought as offerings, and **he answered them** by claiming that the animals being offered were **less than three years** old. The Gemara reexamines one of the objections. **Come** and **hear,** as the verse states: **"And they sacrificed the cattle as a burnt-offering unto the Lord"** (1 Samuel 6:14). Rabbi Yoḥanan explained that although **in** that incident the cattle had been owned by Philistines, they were **less than three years** old, and it was therefore presumed that the Philistines had not engaged in bestiality with them.

מַתְקִיף לָהּ רַב הוּנָא בְּרֵיהּ דְּרַב נָתָן: אִם כֵּן, הַיְינוּ ״וְאֶת בְּנֵיהֶם כָּלְאוּ בַבָּיִת״ – פְּחוּתָה מִבַּת שָׁלֹשׁ שָׁנִים,

The Gemara cites a refutation of Rabbi Yoḥanan's answer: **Rav Huna, son of Rabbi Natan, objects to this: If so,** then **this is** also true with regard to the verse: "And they took two nursing cows and tied them to the cart **and shut up their calves at home"** (1 Samuel 6:10). According to Rabbi Yoḥanan, the verse is necessarily referring to cows that are **less than three years** old.

NOTES

Private altar – בְּבָמַת יָחִיד: While the Tabernacle was in Nov and Gibeon, it was permitted to bring offerings even in areas outside its boundaries. Once it moved to Shiloh, all offerings had to be sacrificed exclusively upon the altar there, and the use of private altars was prohibited.

Milking lamb – טְלֵה חָלָב: Rashi explains that this means a female lamb that produces milk. Other commentaries raise several difficulties with this interpretation, and maintain that the reference is to a young lamb that is nursed by its mother. Even so, based on the written verse it is derived that a female is also fit to be sacrificed upon the altar, as the Gemara immediately explains (see *Torat Ḥayyim* and Rashi on 1 Samuel 7:9).

Rabbi Yoḥanan says there is a clear demarcation, etc. – רַבִּי יוֹחָנָן אָמַר גְּבוּל יֵשׁ לָהּ וכו׳: According to Rabbi Yoḥanan, both the mishna and the *baraita* are written in accordance with the opinion of the Rabbis. The *baraita* is referring exclusively to animals that are less than three years old, which may be purchased from gentiles and brought as offerings. Conversely, the mishna is referring to an animal that is more than three years old and with which a person might have engaged in bestiality. If so, both sources are in accordance with the opinion of the Rabbis. Clearly, Rabbi Eliezer disagrees with this interpretation and maintains that animals taken from gentiles may never be used as offerings, because the red heifer can be brought at the age of two years old, and yet he remains concerned that it may have been subjected to an act of bestiality (see *Tosafot* and Ra'avad).

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וּפְחוּתָה מִבַּת שָׁלֹשׁ שָׁנִים מִי קָא יָלְדָה? וְהָתַנְיָא: פָּרָה וַחֲמוֹר, מִבַּת שָׁלֹשׁ – וַדַּאי לַכֹּהֵן, מִכָּאן וְאֵילָךְ – סָפֵק! אֶלָּא, מְחַוְּורְתָּא כְּדְשַׁנְיִן מֵעִיקָּרָא.

And can a cow that is **less than three years** old **give birth? But isn't it taught** in a *baraita*: With regard to **a cow or a donkey** purchased from a gentile when they were less **than three years** old, the first of their offspring born after the purchase is **certainly** reserved **for the priest,** who is entitled to the firstborn of a cow or donkey owned by a Jew. **From this** point **forward,** i.e., if they were older than three years at the time of the sale, it is **uncertain** whether or not the offspring is the firstborn. This indicates that an animal does not bear offspring within the first three years of its life. Since the cows in the verse had already given birth, they could not have been less than three years old, as Rabbi Yoḥanan claimed. The Gemara concludes: **Rather, it is clear as we initially answered,** i.e., Rabbi Yoḥanan's suggestion is rejected, and the actions in that verse were due to a provisional edict.

״וַיִּשַּׁרְנָה הַפָּרוֹת בַּדֶּרֶךְ עַל דֶּרֶךְ בֵּית שֶׁמֶשׁ״ וגו׳ – מַאי ״וַיִּשַּׁרְנָה״? אָמַר רַבִּי יוֹחָנָן מְשׁוּם רַבִּי מֵאִיר: שֶׁאָמְרוּ שִׁירָה; וְרַב זוּטְרָא בַּר טוֹבִיָּה אָמַר רַב: שֶׁיִּשְּׁרוּ פְּנֵיהֶם כְּנֶגֶד אָרוֹן וְאָמְרוּ שִׁירָה.

§ The Gemara further analyzes the episode involving the cows sent by the Philistines. The verse states: "**And the cattle took the straight** [***vayyisharna***] **way, on the way to Beit Shemesh;** they went along the highway, lowing as they went" (1 Samuel 6:12). The Gemara asks: **What** is the meaning of the word ***vayyisharna*?**[N] **Rabbi Yoḥanan says in the name of Rabbi Meir:** It means **that they recited a song** [***shira***].[N] **And Rav Zutra bar Toviyya** says that **Rav says:** It means **that they straightened** [***yishru***] **their faces** so that they were **opposite the Ark**[N] **and recited a song.**

וּמַאי שִׁירָה אָמְרוּ? אָמַר רַבִּי יוֹחָנָן מְשׁוּם רַבִּי מֵאִיר: ״אָז יָשִׁיר מֹשֶׁה וּבְנֵי יִשְׂרָאֵל״. וְרַבִּי יוֹחָנָן דִּידֵיהּ אָמַר: ״וַאֲמַרְתֶּם בַּיּוֹם הַהוּא הוֹדוּ לַה׳ קִרְאוּ בִשְׁמוֹ״ וגו׳.

The Gemara asks: **And what song did they recite? Rabbi Yoḥanan says in the name of Rabbi Meir:** They recited the song that follows the verse: "**Then sang Moses**[N] **and the children of Israel** this song unto the Lord" (Exodus 15:1). **And Rabbi Yoḥanan himself says** that it was: "**And on that day shall you say:**[N] **Give thanks unto the Lord, proclaim His name,** declare His doings among the peoples, make mention that His name is exalted" (Isaiah 12:4).

וְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אָמַר: מִזְמוֹר יַתְמָא, ״מִזְמוֹר שִׁירוּ לַה׳ שִׁיר חָדָשׁ כִּי נִפְלָאוֹת עָשָׂה הוֹשִׁיעָה לּוֹ יְמִינוֹ וּזְרוֹעַ קָדְשׁוֹ״. רַבִּי אֶלְעָזָר אָמַר: ״ה׳ מָלָךְ יִרְגְּזוּ עַמִּים״.

And Rabbi Shimon ben Lakish says that it was **an orphaned psalm,** i.e., a psalm whose author and the event to which it makes reference are not specified. The psalm begins with: "**A Psalm. O sing unto the Lord a new song, for He has done marvelous things; His right hand, and His holy arm, have wrought salvation for Him**" (Psalms 98:1). **Rabbi Elazar says** that it was the psalm beginning with: "**The Lord reigns; let the peoples tremble**" (Psalms 99:1).[N]

רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר: ״ה׳ מָלָךְ גֵּאוּת לָבֵשׁ״. רַבִּי יִצְחָק נַפָּחָא אָמַר: ״רוֹנִי רוֹנִי הַשִּׁישָׁה, הִתְנוֹפְפִי בְּרוֹב הַדָּרֵךְ הַמְחוּשָּׁקֶת בְּרִיקְמֵי זָהָב הַמְהוּלָּלָה בְּדְבִיר אַרְמוֹן וּמְפוֹאָרָה בַּעֲדֵי עֲדָיִים״.

Rabbi Shmuel bar Naḥmani says that it was the Psalm beginning: "**The Lord reigns; He is clothed in majesty**" (Psalms 93:1).[N] **Rabbi Yitzḥak Nappaḥa says:** They did not recite a verse found in the Bible, but rather, the following song: **Sing, sing, acacia; ascend in all your glory; overlaid with golden embroidery, exalted by the book** [***devir***] **of the palace, and magnificent with jewels.** The song alludes to the Ark of the Covenant, which was made of acacia wood and covered with gold. The expression: Book of the palace, is a reference to the Torah scroll that was placed in the Ark.

NOTES

What is the meaning of the word *vayyisharna* – מַאי וַיִּשַּׁרְנָה: This word is an oddity from a grammatical standpoint because it appears to be a hybrid of masculine and feminine verbs. Indeed, Rashi calls it a hermaphrodite in his commentary on the book of Samuel because the suffix *nun heh* indicates that it is feminine, whereas the lack of *tav* following the *vav* is characteristic of a masculine term. Due to its unique nature, the Sages interpreted its meaning homiletically.

They recited a song – אָמְרוּ שִׁירָה: Many commentaries interpret this statement according to its straightforward meaning, i.e., the cows sang. They explain that this does not appear in the series of miracles listed in tractate *Avot* 5:6 because it is included in the miracle of Balaam's talking donkey (Ritva). Some write that the cows did not form actual words with their mouths; rather, one who comprehends the language of plants and animals would have understood that this was the meaning of their mooing (Ra'avad). The *Pardes Rimmonim* contends that the cows were not singing at all, and that this is a metaphor similar to: "The mountains skipped like rams" (Psalms 114:4). Others add that the cows acted in a manner that was the equivalent of singing within the context of their own behavior, i.e., their actions attested to the greatness of God and constituted a praise of thanks to Him (Maharal).

They straightened their faces so that they were opposite the Ark – יִשְּׁרוּ פְּנֵיהֶם כְּנֶגֶד אָרוֹן: The *Baḥ*, citing a manuscript, has a different version of the text: They bent their faces so that they were opposite the Ark. Yet another version reads: They turned their faces. The commentaries write that this alludes to the *halakha* mentioned by the Rambam and found in the midrash (see Numbers 5:8), that those who carry the Ark must travel with their faces turned toward it (Meiri).

Then sang Moses – אָז יָשִׁיר מֹשֶׁה: Rashi explains that the cows recited a song that was similar to the one sung by the Israelites when God split the Red Sea. Some commentaries write that they recited the exact same song, as it includes the phrase: "Pangs have taken hold on the inhabitants of Philistia" (Exodus 15:14; see Maharsha). Either way, the idea is that the Philistines were plagued and afflicted due to the presence of the Ark they captured, and this display of God's power and protection is the essence of what transpired at the splitting of the Red Sea.

And on that day shall you say – וַאֲמַרְתֶּם בַּיּוֹם הַהוּא: This verse is chosen because its continuation states: "Declare His doings among the peoples," which is what occurred to the Philistines (Ra'avad; see also Maharsha).

The Lord reigns, let the peoples tremble – ה׳ מָלָךְ יִרְגְּזוּ עַמִּים: Each time the Philistines moved the Ark to a different location they experienced a new wave of plagues, and God's kingship was revealed through these events. The commentaries note that there is an allusion to this idea in the continuation of the verse: "He is enthroned upon the cherubim," as the cherubim were located upon the Ark (Maharsha).

The Lord reigns, He is clothed in majesty – ה׳ מָלָךְ גֵּאוּת לָבֵשׁ: God manifested his majesty to the Philistines by refusing to let His Ark dwell among them (Ra'avad).

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NOTES

A book [*sifra*] by the term *devir* – לְסִפְרָא דְּבִיר: Rabbeinu Ḥananel has a different version of the text which reads: On what basis do the Persians call a school [*beit sefer*] by the term *devir*?

LANGUAGE

Devir – דְּבִיר: The Middle Persian word dibīr refers to a scribe. Several commentaries have discussed whether the text here should read *safra*, a scribe, or *sifra*, a book.

רַב אַשִׁי מַתְנֵי לָהּ לְהָא דְּרַבִּי יִצְחָק אַהָא: ״וַיְהִי בִּנְסֹעַ הָאָרֹן וַיֹּאמֶר מֹשֶׁה קוּמָה ה׳״ – יִשְׂרָאֵל מַאי אָמְרוּ? אָמַר רַבִּי יִצְחָק: ״רוֹנִּי רוֹנִּי הַשִּׁיטָה״ וכו׳.

Rav Ashi teaches this statement **of Rabbi Yitzḥak in relation to this** verse: **“And it came to pass, when the Ark set forward, that Moses said: Rise up, O Lord,** and let Your enemies be scattered” (Numbers 10:35). The Gemara asks: **What did the Jewish people recite** at this juncture? **Rabbi Yitzḥak says** that they recited: **Sing, sing, acacia,** ascend in all your glory; overlaid with golden embroidery, exalted by the book of the palace, and magnificent with jewels.

אָמַר רַב: כְּמַאן קָרוּ פַּרְסָאֵי לְסִפְרָא ״דְּבִיר״? מֵהָכָא: ״וְשֵׁם דְּבִיר לְפָנִים קִרְיַת סֵפֶר״.

§ Apropos the mention of the term *devir*, the Gemara discusses its etymology. **Rav said: On what** basis **do the Persians call a book** [*sifra*] by the term ***devir*?**[NL] They derive it **from here: “Now the name of Debir** [*devir*] **beforehand was Kiriath Sefer”** (Judges 1:11). Since the name *devir* was changed to Kiriath Sefer, the Persians referred to a *sifra*, i.e., a book, as *devir*.

רַב אַשִׁי אָמַר: כְּמַאן קָרוּ פָּרְסָאֵי לְנִידָּה ״דַּשְׁתָּנָא״? מֵהָכָא: ״כִּי דֶרֶךְ נָשִׁים לִי״.

The Gemara examines the etymology of another term coined by the Persians. **Rav Ashi said: On what** basis **do the Persians call a menstruating woman** by the term ***dashtana*?** It is **from here,** a verse in which Rachel claims to be a menstruating woman: **“For the manner of women is upon me** [***derekh nashim li***]” (Genesis 31:35). The word *dashtana* is a shortened form of the phrase *derekh nashim*.

Perek **II**
Daf **25** Amud **a**

NOTES

And the sun stood still, etc. – וַיִּדֹּם הַשֶּׁמֶשׁ וכו׳: Rashi explains that the Gemara continues with these expositions because they involve the same *amora’im* mentioned in the previous discussion: Rabbi Elazar and Rabbi Shmuel bar Naḥmani. Rashi further adds that there is the issue of song which also connects the two discussions, as the sun is considered to be singing while it is in motion and silent when it stands still.

And his seed shall become a multitude of nations – וְזַרְעוֹ יִהְיֶה מְלֹא הַגּוֹיִם: Since the tribe of Ephraim was not exceptionally numerous, and was in fact smaller than the other tribe, Manasseh, blessed at the same juncture, the meaning of the verse must be that a descendant of Ephraim will perform an action that will be recognized by a multitude of nations (see Rashi and Maharsha). See also *Bereshit Rabba* (6:9), where other verses from Genesis are also expounded as alluding to this matter.

It traveled across the sky for six hours and stood still for six hours – אָזַיל שִׁית וְקָם שִׁית: All agree that the sun was suspended on two separate occasions. This is derived from the fact that the verse is divided into two parts: “And the sun stayed in the midst of heaven,” followed by “and hastened not to go down.” The Sages explain that the first suspension occurred at midday, as indicated by the phrase that the sun stopped “in the midst of heaven.” The second suspension must have been close to sunset because the expression “and hastened not to go down” indicates that the sun remained still even though it was already in the process of setting (see Rashi, Rabbeinu Elḥanan, and Ra’avad).

״וַיִּדֹּם הַשֶּׁמֶשׁ וְיָרֵחַ עָמָד עַד יִקֹּם גּוֹי אֹיְבָיו הֲלֹא הִיא כְּתוּבָה עַל סֵפֶר הַיָּשָׁר״ – מַאי ״סֵפֶר הַיָּשָׁר״? אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: זֶה סֵפֶר אַבְרָהָם יִצְחָק וְיַעֲקֹב שֶׁנִּקְרְאוּ ״יְשָׁרִים״, שֶׁנֶּאֱמַר: ״תָּמֹת נַפְשִׁי מוֹת יְשָׁרִים״.

§ The Gemara cites a series of expositions with regard to what is called the book of Yashar. The verse states: **“And the sun stood still,**[N] **and the moon stayed, until the nation had avenged themselves of their enemies. Is this not written in the book of Yashar”?** (Joshua 10:13). The Gemara asks: **What** is **the book of Yashar? Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says: This** is Genesis, which is **the book of Abraham, Isaac, and Jacob, who were called righteous** [***yesharim***], **as it is stated: “Let me die the death of the righteous** [***yesharim***]” (Numbers 23:10).

וְהֵיכָא רְמִיזָא? ״וְזַרְעוֹ יִהְיֶה מְלֹא הַגּוֹיִם״, [אֵימָתַי יִהְיֶה מְלֹא הַגּוֹיִם?] בְּשָׁעָה שֶׁעָמְדָה לוֹ חַמָּה לִיהוֹשֻׁעַ. ״וַיַּעֲמֹד הַשֶּׁמֶשׁ בַּחֲצִי הַשָּׁמַיִם וְלֹא אָץ לָבוֹא כְּיוֹם תָּמִים״,

The Gemara asks: **And where is it alluded** to in Genesis that the sun would stand still for Joshua? The verse states in reference to Ephraim, who was Joshua’s ancestor: **“And his seed shall become a multitude of nations”** (Genesis 48:19).[N] The Gemara asks: **When will he become a multitude of nations?** He became a multitude of nations **at the time when the sun stood** in place **for Joshua,** as it is written: **“And the sun stayed in the midst of heaven, and hastened not to go down for an entire day”** (Joshua 10:13).

וְכַמָּה? אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: עֶשְׂרִים וְאַרְבָּעָה [שָׁעוֹת], אָזַיל שִׁית וְקָם שִׁית, אָזַיל שִׁית וְקָם שִׁית, כּוּלְּהוּ מִלְּתָא כְּיוֹם תָּמִים;

The Gemara inquires: **And how much** time elapsed before the sun finally set? **Rabbi Yehoshua ben Levi said** that it took **twenty-four hours: It traveled** across the sky for **six** hours **and stood** still for **six** hours,[N] and again **traveled six** hours **and stood** still for **six** hours, so that **the entire matter** lasted the duration **of an entire day.**

רַבִּי אֶלְעָזָר אָמַר: שְׁלֹשִׁים וְשִׁית, אָזַיל שִׁית וְקָם תְּרֵיסַר, אָזַיל שִׁית וְקָם תְּרֵיסַר, עַמִּידְתּוֹ כְּיוֹם תָּמִים; רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר: אַרְבָּעִים וּשְׁמוֹנָה, אָזַיל שִׁית וְקָם תְּרֵיסַר, אָזַיל שִׁית וְקָם עֶשְׂרִים וְאַרְבָּעָה, [שֶׁנֶּאֱמַר:] ״וְלֹא אָץ לָבוֹא כְּיוֹם תָּמִים״, מִכְּלָל דְּמֵעִיקָּרָא לָאו כְּיוֹם תָּמִים [הֲוָה].

Rabbi Elazar said that it lasted **thirty-six** hours: The sun **traveled** for **six** hours **and stood** for **twelve** hours, and again **traveled six** hours **and stood** for **twelve** hours, so that the accumulated time of **its suspension** was that **of an entire day. Rabbi Shmuel bar Naḥmani said: Forty-eight** hours elapsed before it set. **It traveled six** hours **and stood** for **twelve** hours, and then **traveled six** hours **and stood** for **twenty-four** hours, **as it is stated:** “And the sun stayed in the midst of heaven,” and then: **“And hastened not to go down for an entire day.” By inference,** it can be understood **that initially it was not** suspended **for an entire day.** Rather, at first it stood still for twelve hours, and was later suspended for an entire day.

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אִיכָּא דְּאָמְרִי: בְּתוֹסֶפְתָּא פְּלִיגִי, רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי אָמַר: עֶשְׂרִים וְאַרְבָּעָה, אָזַיִל שִׁית וְקָם תְּרֵיסַר, אָזַיִל שִׁית וְקָם תְּרֵיסַר, עַמִּידָתוֹ כְּיוֹם תָּמִים; רַבִּי אֶלְעָזָר אָמַר: שְׁלֹשִׁים וְשֵׁשׁ, אָזַיִל שִׁית וְקָם תְּרֵיסַר, אָזַיִל שִׁית וְקָם עֶשְׂרִים וְאַרְבָּעָה, ״וְלֹא אָץ לָבוֹא כְּיוֹם תָּמִים״;

There are those **who say** that these Sages do not disagree over how much time had elapsed before the sun set. Rather, **they disagree with regard to the additional** time by which the day was extended. **Rabbi Yehoshua ben Levi said: Twenty-four** hours were added to that day, because the sun **traveled six** hours **and stood twelve** hours, and again **traveled six** hours **and stood** for another **twelve** hours, which meant that **its standing** time lasted **for an entire day. Rabbi Elazar said** that **thirty-six** hours were added: **It traveled six** hours **and stood** for **twelve** hours, and then **traveled six** hours **and stood** for **twenty-four** more hours. It is with regard to the second suspension that the verse states: **"And hastened not to go down for an entire day."**

רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר: אַרְבָּעִים וּשְׁמוֹנָה, אָזַיִל שִׁית וְקָם עֶשְׂרִים וְאַרְבָּעָה, אָזַיִל שִׁית וְקָם עֶשְׂרִים וְאַרְבָּעָה, מַקִּישׁ עַמִּידָתוֹ לְבִיאָתוֹ, מַה בִּיאָתוֹ כְּיוֹם תָּמִים, אַף עַמִּידָתוֹ כְּיוֹם תָּמִים.

Rabbi Shmuel bar Naḥmani said: The time the sun stood in place was **forty-eight** hours in total. The sun **traveled six** hours **and stood twenty-four** hours, and then **traveled** another **six** hours **and stood** for another **twenty-four** hours. His reasoning is that the verse **juxtaposes** the sun's **suspension to its motion: Just as** the sun is in **motion for an entire day, so too, its suspension** was **for an entire day.**

תָּנָא: כְּשֵׁם שֶׁעָמְדָה לוֹ חַמָּה לִיהוֹשֻׁעַ, כָּךְ עָמְדָה לוֹ חַמָּה לְמֹשֶׁה וּלְנַקְדִּימוֹן בֶּן גּוּרְיוֹן. יְהוֹשֻׁעַ – קְרָאי, נַקְדִּימוֹן בֶּן גּוּרְיוֹן – גְּמָרָא; לְמֹשֶׁה מְנָלַן? אָתְיָא ״אָחֵל״ ״אָחֵל״, כְּתִיב הָכָא: ״אָחֵל תֵּת פַּחְדְּךָ״, וּכְתִיב הָתָם בִּיהוֹשֻׁעַ: ״אָחֵל גַּדֶּלְךָ״.

It is taught: Just as the sun stood still **for Joshua, so** too **the sun stood** still **for Moses and for Nakdimon ben Guryon.**[P] It is known that it stood still for **Joshua** from **a verse,** and it is known that it stood still for **Nakdimon ben Guryon** by **tradition. From where do we** derive that it stood still **for Moses** as well? The Gemara answers: It is **derived** by means of a verbal analogy between the terms **"I will begin"** and **"I will begin."**[N] The Gemara elaborates: **It is written here,** with regard to Moses: **"I will begin to deliver the dread of you** and the fear of you upon the peoples" (Deuteronomy 2:25), **and it is written there, with regard to Joshua: "I will begin to magnify you"** (Joshua 3:7).

וְרַבִּי יוֹחָנָן אָמַר: אָתְיָא ״תֵּת״ ״תֵּת״, כְּתִיב הָכָא: ״אָחֵל תֵּת פַּחְדְּךָ״, וּכְתִיב בִּיהוֹשֻׁעַ: ״בְּיוֹם תֵּת ה׳ אֶת הָאֱמֹרִי״.

And Rabbi Yoḥanan says: It is **derived** from a verbal analogy between the words **"delivered"** and **"delivered." It is written here,** with regard to Moses: **"I will begin to deliver the dread of you," and it is written** there, **with regard to Joshua: "In the day when the Lord delivered up the Amorites** before the children of Israel" (Joshua 10:12).

רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר, מִגּוּפֵיהּ דִּקְרָא שָׁמְעַתְּ לֵיהּ: ״אֲשֶׁר יִשְׁמְעוּן שִׁמְעֲךָ וְרָגְזוּ וְחָלוּ מִפָּנֶיךָ״, אֵימָתַי רָגְזוּ וְחָלוּ מִפָּנֶיךָ? בְּשָׁעָה שֶׁעָמְדָה לוֹ חַמָּה לְמֹשֶׁה.

Rabbi Shmuel bar Naḥmani said that there is no need for a verbal analogy, as **you** can **learn** this idea **from the verse itself:** "This day will I begin to deliver the dread of you and the fear of you upon the peoples that are under the whole heaven, who, **when they hear the report of you, shall tremble and be in anguish because of you"** (Deuteronomy 2:25). **When** was the fulfillment of the prophecy that all the nations **"shall tremble and be in anguish because of you"?** It was **at the time when the sun stood** still **for Moses.**

מֵיתִיבִי: ״וְלֹא הָיָה כַּיּוֹם הַהוּא לְפָנָיו וְאַחֲרָיו״! אִיבָּעֵית אֵימָא: שָׁעוֹת הוּא דְּלָא הֲווּ נָפְשׁ כּוּלֵי הַאי. וְאִיבָּעֵית אֵימָא: אַבְנֵי בָּרָד לָא הֲווּ, דִּכְתִיב: ״וַיְהִי בְּנָסָם מִפְּנֵי בְּנֵי יִשְׂרָאֵל הֵם בְּמוֹרַד בֵּית חוֹרֹן וַה׳ הִשְׁלִיךְ עֲלֵיהֶם אֲבָנִים גְּדֹלוֹת מִן הַשָּׁמַיִם עַד עֲזֵקָה וַיָּמֻתוּ״.

The Gemara **raises an objection:** After the sun stood still, the verse states: **"And there was no day like that before it or after it"** (Joshua 10:14). If there was no day comparable to it, how can it be asserted that the sun stood still for Moses as well? The Gemara answers: **If you wish, say** that the number of **hours** the sun stood still for Moses **were not as many** as in the case of Joshua. **And if you wish, say** instead: When the sun stood still for Moses **there were no hailstones,** whereas in the case of Joshua there were hailstones, **as it is written: "And it came to pass, as they fled from before the children of Israel, while they were in the descent of Beth Horon, that the Lord cast down great stones from heaven upon them into Azeka and they died"** (Joshua 10:11).

כְּתִיב: ״וַיֹּאמֶר לְלַמֵּד בְּנֵי יְהוּדָה קָשֶׁת הִנֵּה כְתוּבָה עַל סֵפֶר הַיָּשָׁר״, מַאי ״סֵפֶר הַיָּשָׁר״? אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: זֶה סֵפֶר אַבְרָהָם יִצְחָק וְיַעֲקֹב שֶׁנִּקְרְאוּ ״יְשָׁרִים״, דִּכְתִיב בְּהוּ: ״תָּמֹת נַפְשִׁי מוֹת יְשָׁרִים וּתְהִי אַחֲרִיתִי כָּמוֹהוּ״.

The Gemara cites another exposition with regard to the book of Yashar. **It is written: "And said: To teach the sons of Judah the bow. Behold, it is written in the book of Yashar"** (II Samuel 1:18). The Gemara again asks: **What is the book of Yashar? Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says: This is the book of Abraham, Isaac, and Jacob, who were called righteous** [*yesharim*], **as it is written with regard to them: "Let me die the death of the righteous** [*yesharim*] **and let my end be like his"** (Numbers 23:10).

PERSONALITIES

Nakdimon ben Guryon – נַקְדִּימוֹן בֶּן גּוּרְיוֹן: Possibly mentioned by Josephus, Nakdimon ben Guryon, whose Hebrew name was Boni, is described in several sources as one of the wealthiest residents of Jerusalem at the time of the destruction of the Second Temple. Rashi explains that the miracle referred to here is the episode related in tractate *Ta'anit* 19b, in which Nakdimon prayed for the sun to continue shining after it should have set in order to allow him to repay a loan that was due by the end of the day.

NOTES

I will begin, I will begin – אָחֵל אָחֵל: This exposition is not based solely on the verbal analogy, as the context of the verse itself indicates the same conclusion. It is written: "I will begin to deliver the dread of you and the fear of you upon the peoples that are under the whole heaven," which alludes to the occurrence of an event that all nations would witness. Furthermore, Rabbi Yoḥanan's exposition involving the word "deliver" is directly related to the suspension of the sun, because the verse: "In the day when the Lord delivered up the Amorites before the children of Israel" (Joshua 10:12), is referring to the day that the sun stood still (*Torat Ḥayyim*).

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וְהֵיכָא רְמִיזָא? ״יְהוּדָה אַתָּה יוֹדוּךָ אַחֶיךָ יָדְךָ בְּעֹרֶף אֹיְבֶיךָ״, וְאֵיזוֹ הִיא מִלְחָמָה שֶׁצְּרִיכָה יָד כְּנֶגֶד עוֹרֶף? הֱוֵי אוֹמֵר: זוֹ קֶשֶׁת.

The Gemara further analyzes the verse in Samuel: **And where is it alluded** to in Genesis that Judah must be taught to use the bow? The verse states: **"Judah, your brothers shall praise you; your hand shall be on the nape of your enemies"** (Genesis 49:8). The Gemara explains: **What is** the form of **warfare that requires** one's **hand** to be held **opposite** the **nape?**[NB] **You must say** that **this is** referring to the use of **a bow.** This is the referent of the verse in Samuel.

רַבִּי אֶלְעָזָר אוֹמֵר: זֶה סֵפֶר מִשְׁנֵה תּוֹרָה, וַאֲמַאי קָרוּ לֵיהּ ״סֵפֶר הַיָּשָׁר״? דִּכְתִיב: ״וְעָשִׂיתָ הַיָּשָׁר וְהַטּוֹב בְּעֵינֵי ה׳״. וְהֵיכָא רְמִיזָא? ״יָדָיו רָב לוֹ״, וְאֵיזוֹ הִיא מִלְחָמָה שֶׁצְּרִיכָה שְׁתֵּי יָדַיִם? הֱוֵי אוֹמֵר: זוֹ קֶשֶׁת.

The Gemara cites a different interpretation: **Rabbi Elazar says** that the book of Yashar **is the book of Deuteronomy. And why did they call it the book of Yashar? As it is written: "And you shall do that which is right** [*yashar*] **and good in the sight of the Lord"** (Deuteronomy 6:18). **And where is it alluded** to in Deuteronomy that Judah must be taught to use the bow? The verse states: "And this for Judah, and he said: Hear, Lord, the voice of Judah, and bring him in unto his people; **his hands shall contend for him"** (Deuteronomy 33:7). **What is** the form of **warfare that requires** the use of **two hands? You must say** that **this is** referring to the use of **a bow.** This is the referent of the verse in Samuel.

רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר: זֶה סֵפֶר שׁוֹפְטִים, וְאַמַּאי קָרוּ לֵיהּ ״סֵפֶר הַיָּשָׁר״? דִּכְתִיב: ״בַּיָּמִים הָהֵם אֵין מֶלֶךְ בְּיִשְׂרָאֵל אִישׁ הַיָּשָׁר בְּעֵינָיו יַעֲשֶׂה״. וְהֵיכָא רְמִיזָא? ״לְמַעַן דַּעַת דֹּרוֹת בְּנֵי יִשְׂרָאֵל לְלַמֵּד מִלְחָמָה״, וְאֵיזוֹ הִיא מִלְחָמָה שֶׁצְּרִיכָה לִימּוּד? הֱוֵי אוֹמֵר: זוֹ קֶשֶׁת.

The Gemara provides yet another explanation: **Rabbi Shmuel bar Naḥmani says** that the book of Yashar **is the book of Judges. And why did they call it the book of Yashar? As it is written: "In those days there was no king in Israel; every man did that which was right** [*yashar*] **in his own eyes"** (Judges 17:6). **And where is it alluded** to in Judges that Judah must be taught to use the bow? The verse states: **"Only that the generations of the children of Israel might know, to teach them war"** (Judges 3:2). **What is** the form of **warfare that requires teaching?**[B] **You must say** that **this is** referring to the use of **a bow.** This is the referent of the verse in Samuel.

וּמְנָלַן דְּבִיהוּדָה כְּתִיב? דִּכְתִיב: ״מִי יַעֲלֶה לָנוּ בַּתְּחִלָּה אֶל הַכְּנַעֲנִי לְהִלָּחֶם בּוֹ, וַיֹּאמֶר ה׳ יְהוּדָה יַעֲלֶה״.

The Gemara asks: **And from where do we** derive **that** Judges 3:2 is **written in reference to Judah?** We derive it **as it is written:** "The children of Israel asked the Lord, saying: **Who shall go up for us first against the Canaanites, to fight against them? And Lord said: Judah shall go up"** (Judges 1:1–2).

״וַיָּרֶם הַטַּבָּח אֶת הַשּׁוֹק וְהָעֲלָיָה וַיָּשֶׂם לִפְנֵי שָׁאוּל״ – מַאי ״וְהָעֲלָיָה״? רַבִּי יוֹחָנָן אוֹמֵר: שׁוֹק וְאַלְיָה, מַאי ״וְהָעֲלָיָה״? דִּמְסַמְכָא שׁוֹק לְאַלְיָה;

§ The Gemara cites another dispute between the same *amora'im*. The verse states: **"And the cook took up the thigh, and that which was upon it** [*vehe'aleha*]**, and set it before Saul"** (1 Samuel 9:24). To **what** does the term **"and that which was upon it"** refer? **Rabbi Yoḥanan says:** It refers to **the thigh and the tail.** The Gemara asks: **What** is the reason that the tail is referred to as: **"And that which was upon it"?** The reason is **that the thigh supports the tail,** as it rests upon it.

וְרַבִּי אֶלְעָזָר אוֹמֵר: שׁוֹק וְחָזֶה, מַאי ״וְהָעֲלָיָה״? דִּמְחִית לָהּ לְחָזֶה עִילָּוֵיהּ דְּשׁוֹק כִּי בָּעֵי אֲנוּפֵי, וּמַנְפֵי לֵיהּ; וְרַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר: שׁוֹק וְשׁוֹפִי, מַאי ״וְהָעֲלָיָה״? שׁוֹפִי עִילָּוֵיהּ דְּשׁוֹק קָאֵי.

And Rabbi Elazar says: The verse refers to **the thigh and the breast. What** is the reason that the breast is referred to as: **"And that which was upon it"?** The reason is **that one places the breast**[N] **upon the thigh when it requires** sacrificial **waving, and waves it. And Rabbi Shmuel bar Naḥmani says:** The verse refers to **the thigh and the cap** [*shofi*],[L] i.e., the very top part of the leg. **What** is the reason that the cap is referred to as: **"And that which was upon it"?** It is because it is referring to the **cap** that **stands above the thigh.**

״לֹא תִתְיַיחֵד אִשָּׁה עִמָּהֶם״. בְּמַאי עָסְקִינַן? אִילֵימָא בְּחַד, דִּכְוָותָהּ גַּבֵּי יִשְׂרָאֵל מִי שָׁרֵי? וְהָתְנַן: לֹא יִתְיַיחֵד אִישׁ אֶחָד עִם שְׁתֵּי נָשִׁים!

§ The mishna teaches that **a woman may not seclude herself with** gentiles. The Gemara asks: **What are we dealing with? If we say** that we are dealing with a woman who secludes herself **with one** gentile, **is** this **permitted in the corresponding** situation **involving a Jew? But didn't we learn** in a mishna (*Kiddushin* 80b): **One man may not seclude himself** even **with two women?**[H] It is certainly forbidden for one man to be secluded with one woman.

NOTES

Hand opposite the nape – יָד כְּנֶגֶד עוֹרֶף: This phrase literally means: Hand against the nape. Rashi explains that this is a reference to the manner in which one pulls a bow to shoot an arrow, i.e., by bringing back his drawing hand to his nape. Alternatively, this expression is derived from the fact that the bow is a weapon used to slay fleeing enemies who turn their back, or their nape, on the attackers in order to escape. Accordingly, the archers can be said to be holding their hand against their enemies' nape (Maharsha).

One places the breast – מָחֵית לָהּ לְחָזֶה: When an offering is waved, the breast is placed upon the thigh and then shaken. Rashi notes that although this was a peace-offering, whose thigh and breast are usually given to a priest, Saul was nevertheless permitted to partake of the meat because it was sacrificed upon a private altar. Others add that Samuel granted Saul this portion of the meat as a display of honor in anticipation of his anointment as king (Ra'avad).

BACKGROUND

Hand opposite the nape – יָד כְּנֶגֶד עוֹרֶף: This image illustrates how bows made in biblical times were fired, with the drawing hand pulled back to the archer's nape.

Relief depicting Assyrian archers

Warfare that requires teaching – מִלְחָמָה שֶׁצְּרִיכָה לִימּוּד: The ability to shoot an arrow that can traverse great distances and deal a fatal blow requires considerable strength, as well as training and practice. In certain places and generations, people would train for years before they developed the necessary skill to wield a bow and arrow properly.

LANGUAGE

Cap [*shofi*] – שׁוֹפִי: Apparently from the biblical Hebrew word *shafa*, whose meanings involve elevation, such as in the verse: "And he went to a height [*shefi*]" (Numbers 23:3). Accordingly, the reference here is to the top part of the leg, above the thigh.

HALAKHA

One man may not seclude himself even with two women – לֹא יִתְיַיחֵד אִישׁ אֶחָד עִם שְׁתֵּי נָשִׁים: One man may not seclude himself with two women, or even with more than two. The Rema writes that some commentaries permit a man to seclude himself with many women if his business dealings do not lead him to regular contact with women (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:8; *Shulḥan Arukh*, *Even HaEzer* 22:5).

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אֶלָּא בִּתְלָתָא, דִּכְוָותָהּ גַּבֵּי יִשְׂרָאֵל בִּפְרוּצִים מִי שָׁרֵי? וְהָתְנַן: אֲבָל אִשָּׁה אַחַת מִתְיַיחֶדֶת עִם שְׁנֵי אֲנָשִׁים; וְאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: לֹא שָׁנוּ אֶלָּא בִּכְשֵׁרִים, אֲבָל בִּפְרוּצִים – אֲפִילּוּ עֲשָׂרָה נַמִּי לָא, מַעֲשֶׂה הָיָה וְהוֹצִיאוּהָ עֲשָׂרָה בְּמִטָּה!

Rather, the mishna is referring to a case **in** which a woman secludes herself with **three** gentiles.[N] The Gemara asks: **Is** this **permitted in the corresponding** situation **involving Jews steeped** in sexual immorality? **But didn't we learn** in a mishna (*Kiddushin* 80b): **But one woman may be secluded**[H] **with two men; and Rav Yehuda says** that **Shmuel says: They taught** this *halakha* **only with regard to** men of **fit** morals; **but with regard to** those **steeped** in sexual immorality, she **may not** be secluded **even with ten** men. **There was an incident where ten** men **carried** a woman **out** of the city **on a bier,** as though she were dead, and they engaged in intercourse with her.

לָא צְרִיכָא – בְּאִשְׁתּוֹ עִמּוֹ, גּוֹי אֵין אִשְׁתּוֹ מְשַׁמַּרְתּוֹ, אֲבָל יִשְׂרָאֵל אִשְׁתּוֹ מְשַׁמַּרְתּוֹ.

The Gemara answers: **No,** the ruling of the mishna here is **necessary in** a case where the gentile's **wife is with him.**[H] The differences between the two rulings is that in the case of **a gentile,** it is assumed that **his wife does not guard him**[N] against sinning with another, **but** with regard to **a Jew, his wife does guard him** against sinning with another.

וְתֵיפּוֹק לֵיהּ מִשּׁוּם שְׁפִיכוּת דָּמִים! אָמַר רַבִּי יִרְמְיָה: בְּאִשָּׁה חֲשׁוּבָה עָסְקִינַן, דִּמְירָתְתִי מִינָּהּ; רַב אִידִי אָמַר: אִשָּׁה כְּלֵי זַיִינָהּ עָלֶיהָ.

§ The mishna teaches that a woman may not seclude herself with a gentile due to the concern that they might engage in illicit sexual relations. The Gemara challenges: **And let us derive** that a woman may not seclude herself with a gentile **due to** the concern about **bloodshed.**[N] The Gemara cites two responses. **Rabbi Yirmeya says: We are dealing with a distinguished woman,**[N] whom gentiles will not kill, **as they are fearful of her** status. Nevertheless, there is a concern with regard to illicit sexual relations. **Rav Idi bar Avin says: A woman** carries **her weapons upon her.**[N] In other words, there is no need to be concerned that a woman might be killed by gentiles; rather, the very fact that she is a woman protects her, as they would most likely rape her and not kill her.

מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ: אִשָּׁה חֲשׁוּבָה בֵּין אֲנָשִׁים וְשֶׁאֵינָהּ חֲשׁוּבָה בֵּין הַנָּשִׁים.

The Gemara asks: **What is** the practical difference **between** these two answers?[N] **The Gemara answers:** The difference **between them** is with regard to **a woman who is distinguished among men**[N] due to her political position, **but is not distinguished among the women,** i.e., she is unattractive. According to Rabbi Yirmeya, there is no concern that she will be killed, as she is distinguished, nor is there a concern that they will engage in illicit sexual relations. Therefore, it would be permitted for her to seclude herself with them. By contrast, as Rav Idi bar Avin stated his explanation in general terms, he evidently holds that the concern of illicit sexual relations always applies, regardless of the woman's appearance.

HALAKHA

But one woman may be secluded, etc. – אֲבָל אִשָּׁה אַחַת מִתְיַיחֶדֶת וכו': A woman may not be secluded even with many men unless one of their wives is also present. This is in accordance with the opinion of Rav (*Kiddushin* 81a), who holds that an average person is not presumed to be of fit morals in this regard. The Rema cites an opinion that one woman may be secluded with two men of fit morals, provided that her husband is in the same city (*Tur*, citing Rosh). In this case, the average person is assumed to be of fit morals (Ran). Nevertheless, she may not be secluded even with ten men of loose morals, in accordance with the statement of Rav Yehuda, citing Shmuel. All this applies only in a city. In an open field, or in a city at night, at least three men of fit morals (*Tur*, citing Rosh) must be present for a woman to be permitted to be secluded with them (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:8; *Shulḥan Arukh*, *Even HaEzer* 22:5).

In a case where his wife is with him – בְּאִשְׁתּוֹ עִמּוֹ: It is permitted for a man and woman to be together if the man's wife is present. It is prohibited for a woman to be together even with many gentiles, regardless of the fact that their wives are present (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:4; *Shulḥan Arukh*, *Yoreh De'a* 153:4 and *Even HaEzer* 22:3).

NOTES

Rather with three gentiles – אֶלָּא בִּתְלָתָא: The mishna is teaching that although a woman may seclude herself with three Jewish men, she may not seclude herself with three gentile men. Even seclusion with three Jewish men is prohibited in certain situations, as the Gemara soon notes.

His wife does not guard him – אֵין אִשְׁתּוֹ מְשַׁמַּרְתּוֹ: A gentile wife does not necessarily oppose her husband's adulterous behavior, as she too seeks to engage in licentious acts with other men (Rashi).

And let us derive that a woman may not seclude herself with a gentile due to the concern about bloodshed – וְתֵיפּוֹק לֵיהּ מִשּׁוּם שְׁפִיכוּת דָּמִים: The fact that the mishna mentions the concern of bloodshed only in its last clause indicates that it does not apply in this case (Ritva). In the Jerusalem Talmud, the question is raised directly with regard to the last ruling of the mishna, which states: And one may not seclude himself with them because they are suspected of bloodshed. The Gemara there asks: And is there no concern for bloodshed in the case of a woman?

Distinguished woman – אִשָּׁה חֲשׁוּבָה: An example of this would be a beautiful woman who maintains close ties with the royal family. Although there is no concern that she might be killed, it is possible that she could be seduced and she is therefore prohibited from secluding herself with a gentile. A man in this position may be secluded with a gentile man, as neither concern applies.

A woman carries her weapons upon her – אִשָּׁה כְּלֵי זַיִינָהּ עָלֶיהָ: Several interpretations of this phrase have been suggested. Rashi explains that generally speaking, women are not the targets of murder because they carry with them the temptation of sexual intercourse, and once a gentile has satisfied his urges he does not kill her. Some say that a beautiful woman is unlikely to be murdered, due to her attractive appearance (Ra'avad). Alternatively, a woman's weapons are her very frailty. Since a woman is considered defenseless, she is less likely to be killed (*Tosafot*).

What is the practical difference between them – מַאי בֵּינַיְיהוּ: In other words, what are the halakhic ramifications of this dispute as to why the concern of bloodshed does not apply? In any case a woman may not seclude herself with gentiles, due to the concern that they might engage in forbidden sexual relations.

A woman who is distinguished among men, etc. – אִשָּׁה חֲשׁוּבָה בֵּין אֲנָשִׁים וכו': Rashi understands this sentence as a single explanation that is referring to a woman who is both distinguished among men and not distinguished among women. According to Rabbi Yirmeya, she is permitted to seclude herself with the men because there is no concern that they will attempt to engage in licentious behavior with an unattractive woman. Rav Idi bar Avin, by contrast, holds that all women are subject to the concern over illicit sexual relations, and it is therefore prohibited for them to seclude themselves with gentiles. Many early commentaries have raised several difficulties with Rashi's interpretation.

Some explain that according to Rav Idi bar Avin, a woman's prominence is entirely irrelevant to this discussion. Accordingly, a distinguished but unattractive woman may not be secluded with gentiles because her beauty does not protect her from murder (Ra'avad).

Other early commentaries have a different version of the text, which states the reverse: A woman who is distinguished among women but not distinguished among men. According to this version, Rabbi Yirmeya holds that this woman is subject to the concern of bloodshed because she is not protected by her political power. Rav Idi bar Avin maintains that there is no concern of bloodshed due to her beauty, although the concern with regard to illicit sexual relations still applies (see Rid, Ramban, and Ritva, citing Ramah).

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תַּנְיָא כְּוָותֵיהּ דְּרַב אִידִי בַּר אָבִין: הָאִשָּׁה אַף עַל פִּי שֶׁהַשָּׁלוֹם עִמָּהּ – לֹא תִתְיַיחֵד עִמָּהֶן, מִפְּנֵי שֶׁחֲשׁוּדִין עַל הָעֲרָיוֹת.

The Gemara notes that it **is taught** in a *baraita* **in accordance with** the opinion **of Rav Idi bar Avin:** With regard to **a woman, even though her protection** accompanies **her,**[N] i.e., she is not in danger of being killed, she **may not seclude herself with** gentiles **because they are suspected of** engaging in **forbidden sexual relations.**

״לֹא יִתְיַיחֵד אָדָם עִמָּהֶן״. תָּנוּ רַבָּנָן: יִשְׂרָאֵל שֶׁנִּזְדַּמֵּן לוֹ גּוֹי בַּדֶּרֶךְ – טוֹפְלוֹ לִימִינוֹ; רַבִּי יִשְׁמָעֵאל בְּנוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן בְּרוֹקָה אוֹמֵר: בְּסַיִף – טוֹפְלוֹ לִימִינוֹ, בְּמַקֵּל – טוֹפְלוֹ לִשְׂמֹאלוֹ.

§ The mishna further teaches that **a person may not seclude himself with** gentiles because they are suspected of bloodshed. **The Sages taught: A Jew who encounters a gentile on the road** and continues his travels with him should **position** the gentile **to his right,** so that the Jew's dominant hand is closest to the gentile, which will enable him to defend himself against a potential attack. **Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says:** If the gentile is armed **with a sword,** the Jew **positions him to his right,**[H] because a blade is usually carried on one's left side. But if the gentile is armed **with a stick,** the Jew should **steer him to his left,** as a stick is usually carried in one's right hand. By walking on the same side as the gentile's weapon, the Jew can best prevent him from drawing it.

הָיוּ עוֹלִין בְּמַעֲלֶה אוֹ יוֹרְדִין בְּיֵרִידָה – לֹא יְהֵא יִשְׂרָאֵל לְמַטָּה וְגוֹי לְמַעְלָה, אֶלָּא יִשְׂרָאֵל לְמַעְלָה וְגוֹי לְמַטָּה; וְאֵל יָשׁוּחַ לְפָנָיו, שֶׁמָּא יָרוֹץ אֶת גּוּלְגָּלְתּוֹ.

The Gemara continues: If the Jew and gentile **were ascending an incline**[H] **or descending a decline, the Jew should not be** positioned **below while the gentile** is **above,** so that the gentile will not have the advantage of height if he decides to attack. **Rather, the Jew** should be located **above while the gentile** is **below. And** the Jew **should not bend** down **before him, lest** the gentile **break his skull.**

שְׁאָלוֹ לְהֵיכָן הוֹלֵךְ – יַרְחִיב לוֹ אֶת הַדֶּרֶךְ, כְּדֶרֶךְ שֶׁעָשָׂה יַעֲקֹב אָבִינוּ לְעֵשָׂו הָרָשָׁע, דִּכְתִיב: ״עַד אֲשֶׁר אָבֹא אֶל אֲדֹנִי שֵׂעִירָה״,

Furthermore, if the gentile **asks him where he is going,**[H] the Jew should **extend the journey** when relating his destination **to him,** i.e., he should claim that he is traveling to a place beyond his actual destination, **in the manner that Jacob our father did to the wicked Esau. As it is written** that Jacob said to Esau: "Let my lord pass over before his servant and I will journey on gently, according to the pace of the cattle that are before me and according to the pace of the children, **until I come unto my lord unto Seir"** (Genesis 33:14).

וּכְתִיב: ״וְיַעֲקֹב נָסַע סֻכֹּתָה״.

The Gemara continues: **And it is written** subsequently: **"And Jacob journeyed to Succoth,** and built himself a house" (Genesis 33:17). Rather than meeting Esau in Seir, Jacob traveled to the nearer location of Succoth. Telling a gentile that one is traveling to a farther destination might cause the gentile to defer his attack due to the assumption that he has a longer period of time to plan and execute it. As a result of the delay, the Jew has a better chance of reaching his true destination safely.

מַעֲשֶׂה בְּתַלְמִידֵי רַבִּי עֲקִיבָא שֶׁהָיוּ הוֹלְכִים לִכְזִיב, פָּגְעוּ בָּהֶן לִיסְטִים, אָמְרוּ לָהֶן: לְאָן אַתֶּם הוֹלְכִים? אָמְרוּ לָהֶן: לְעַכּוֹ. כֵּיוָן שֶׁהִגִּיעוּ לִכְזִיב פֵּירְשׁוּ. אָמְרוּ לָהֶן: תַּלְמִידֵי מִי אַתֶּם? אָמְרוּ לָהֶן: תַּלְמִידֵי רַבִּי עֲקִיבָא. אָמְרוּ לָהֶן: אַשְׁרֵי רַבִּי עֲקִיבָא וְתַלְמִידָיו, שֶׁלֹּא פָּגַע בָּהֶן אָדָם רַע מֵעוֹלָם.

The Gemara illustrates this idea through a relevant story. **An incident** occurred **involving** several **students of Rabbi Akiva who were traveling to Keziv.**[B] Along the way, **bandits encountered them** and **said to them: Where are you going?** Rabbi Akiva's students **said to them: To Akko. Once they reached Keziv,** Rabbi Akiva's students **separated** from the bandits. At this point the bandits **said to them: Whose students are you?** The students **said to** the bandits: We are **students of Rabbi Akiva.** The bandits **said to them: Fortunate are Rabbi Akiva and his students, as they were never harmed by an evil person.** The bandits were impressed with the wisdom that the students demonstrated in evading harm.

רַב מְנַשֶּׁה הֲוָה אָזֵל

The Gemara relates another incident: **Rav Menashe was traveling**

NOTES

Even though her protection accompanies her – אַף עַל פִּי שֶׁהַשָּׁלוֹם עִמָּהּ: Rashi explains that this refers to all women, i.e., they are protected from murder by the sexual temptation that they carry. Others add that it is not necessary for a woman to be protected by the ruling classes to dispel the concern over bloodshed, provided that she has her own protection, i.e., her allure. Nevertheless, the concern with regard to illicit sexual relations still applies, in accordance with the opinion of Rav Idi bar Avin (Ritva). According to the interpretation of the Ra'avad, this phrase refers specifically to an attractive woman. Rav Idi bar Avin maintains that although there is no concern over bloodshed with regard to this woman, she remains subject to the concern with regard to forbidden sexual relations.

BACKGROUND

Keziv – כְּזִיב: Keziv, often referred to as Akhziv, is an ancient settlement located on the shore of the Mediterranean Sea, roughly 10 km north of Akko, near the modern-day town of Gesher HaZiv. Apparently, Rabbi Akiva's students were traveling from the north to south, perhaps from the Upper Galilee, and stopped at Keziv.

Akko and Keziv

HALAKHA

With a sword, the Jew positions him to his right – בְּסַיִף טוֹפְלוֹ לִימִינוֹ: One who encounters a gentile on the road should position him to his right. The Rema adds that if the gentile is carrying a stick, the Jew positions him to his left, in accordance with the statement of Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 153:3).

If the Jew and gentile were ascending an incline, etc. – הָיוּ עוֹלִין בְּמַעֲלֶה וכו': A Jew who is traveling with a gentile on either an incline or a decline should ensure that he remains in the higher position, and positions the gentile slightly to his right (Rema, citing Ran). Additionally, the Jew should refrain from bending down while in front of the gentile (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 153:3).

If the gentile asks him where he is going – שְׁאָלוֹ לְהֵיכָן הוֹלֵךְ: A Jew who is asked by a gentile where he is going should mention a place farther away than he actually intends to go (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 153:3).

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לְבֵי תּוֹרְתָּא, פְּגַעוּ בֵּיהּ גַּנָּבֵי, אֲמַרוּ לֵיהּ: לְאָן קָאָזְלַתְּ? אֲמַר לָהֶן: לְפוּמְבְּדִיתָא. כִּי מְטָא לְבֵי תּוֹרְתָּא פָּרִישׁ. אֲמַרוּ לֵיהּ: תַּלְמִידָא דִּיהוּדָה רַמָּאָה אַתְּ! אֲמַר לְהוּ: יָדְעִיתוּ לֵיהּ? יְהֵא רַעֲוָא דְּלֵיהֵוו הָנָהוּ אֵינָשֵׁי בְּשַׁמְתֵּיהּ.

to Bei Torta. Along the way, **thieves encountered him,** and **said to him: Where are you going?** Rav Menashe **said to them: To Pumbedita,** which was farther away than Bei Torta. **When he arrived at Bei Torta, he separated** from the thieves, who had planned to steal from him. **They said to him: You are a student of Yehuda the swindler!** Rav Menashe **said to them: Do you know him**[N] so well that you can accuse him of swindling others? **May it be** God's **will that these people be subject to** Rav Yehuda's ban of **excommunication.**

אָזְלוּ עֲבַדוּ גְּנֵיבְתָּא עֶשְׂרִין וְתַרְתֵּין שְׁנִין וְלָא אַצְלְחוּ. כֵּיוָן דַּחֲזוּ, אֲתוּ כּוּלְּהוּ תָּבְעוּ שַׁמְתַּיְיהוּ, וְהַוָה בְּהוּ חַד גִּירְדָּנָא דְּלָא אֲתָא לְשַׁרוּיֵהּ שַׁמְתֵּיהּ, אֲכַלֵּיהּ אַרְיָא. הַיְינוּ דְּאָמְרִי אֵינָשֵׁי: גִּירְדָּנָא דְּלָא טַיְיזָן, שַׁתָּא בְּצִיר מִשְּׁנֵי.

The Gemara continues: This curse was effective, as the thieves subsequently **went** and **carried out thefts** for **twenty-two years, but they were unsuccessful. Once they saw** that their efforts were for naught, **they all went and claimed their curse,** i.e., they asked forgiveness and requested that the curse be lifted. **But there was one weaver among them who did not come to lift his curse,** and **a lion ate him.** The Gemara notes that **this** explains the adage **that people say:** With regard to **a weaver** [*girdana*][L] **who** is **not shy** [*taizan*][NL] but impudent, **a year is deducted from** his allotted **years.**

תָּא חֲזֵי מַה בֵּין גַּנָּבֵי בָּבֶל וְלִסְטִין דְּאֶרֶץ יִשְׂרָאֵל.

With regard to these two anecdotes, the Gemara comments: **Come** and **see what** the difference **is between the thieves of Babylonia and the bandits of Eretz Yisrael.**[N] Although thieves are typically less violent than bandits, the thieves in Babylonia reacted to Rav Menashe's action by denouncing Rav Yehuda, whereas the bandits in Eretz Yisrael praised the wisdom of Rabbi Akiva.

מתני׳ בַּת יִשְׂרָאֵל לֹא תְיַלֵּד אֶת הַנָּכְרִית, מִפְּנֵי שֶׁמְּיַלֶּדֶת בֵּן לַעֲבוֹדָה זָרָה, אֲבָל נָכְרִית מְיַלֶּדֶת בַּת יִשְׂרָאֵל. בַּת יִשְׂרָאֵל לֹא תָּנִיק בְּנָהּ שֶׁל נָכְרִית, אֲבָל נָכְרִית מֵנִיקָה בְּנָהּ שֶׁל יִשְׂרָאֵל בִּרְשׁוּתָהּ.

MISHNA **A Jewish woman may not deliver**[H] the child of **a gentile woman, because** in doing so **she is delivering a child** who will engage in **idol worship. But** one **may** allow **a gentile woman** to **deliver** the child of **a Jewish woman.** Similarly, **a Jewish woman may not nurse the child of a gentile woman, but** one **may** allow **a gentile woman** to **nurse the child of a Jewish woman** while the gentile woman is **on** the Jewish woman's **property.**[N]

גמ׳ תָּנוּ רַבָּנַן: בַּת יִשְׂרָאֵל לֹא תְיַלֵּד אֶת הַנָּכְרִית – מִפְּנֵי שֶׁמְּיַלֶּדֶת בֵּן לַעֲבוֹדָה זָרָה, וְנָכְרִית לֹא תְיַלֵּד אֶת בַּת יִשְׂרָאֵל – מִפְּנֵי שֶׁחֲשׁוּדִין עַל שְׁפִיכוּת דָּמִים, דִּבְרֵי רַבִּי מֵאִיר;

GEMARA The Gemara cites a dispute related to the ruling of the mishna. **The Sages taught: A Jewish woman may not deliver** the child of **a gentile woman because** in doing so **she is delivering a child** who will engage in **idol worship. And** one **may not** allow **a gentile woman** to **deliver** the child of **a Jewish woman because** gentiles **are suspected of bloodshed;** this is **the statement of Rabbi Meir.**

וַחֲכָמִים אוֹמְרִים: נָכְרִית מְיַלֶּדֶת אֶת בַּת יִשְׂרָאֵל בִּזְמַן שֶׁאֲחֵרוֹת עוֹמְדוֹת עַל גַּבָּהּ, אֲבָל לֹא בֵּינָהּ לְבֵינָהּ. וְרַבִּי מֵאִיר אוֹמֵר: אֲפִילּוּ אֲחֵרוֹת עוֹמְדוֹת עַל גַּבָּהּ נַמִּי לָא, דְּזִימְנִין דְּמַנְחָא לֵיהּ יָדָא אַפּוּתָא וְקָטְלָא לֵיהּ וְלָא מִתְחֲזֵי.

And the Rabbis say: One **may** allow **a gentile woman** to **deliver** the child of **a Jewish woman when other women are standing over her**[H] watching her actions, **but not** when they are **alone together. And Rabbi Meir says: Even** when **other women are standing over her** one **may not** allow a gentile woman to deliver the child of a Jewish woman, **because** there are **times when** the midwife **places her hand on** the infant's **temple**[B] **and kills him** by applying pressure to the area, **and** the act **is not seen.**

NOTES

Do you know him – יָדְעִיתוּ לֵיהּ: Rashi explains that Rav Menashe meant: Do you know for certain that he is a swindler? Rabbeinu Ḥananel reads this slightly differently: Is it possible that you could know him and yet accuse him of being a swindler?

A weaver who is not shy – גִּירְדָּנָא דְּלָא טַיְיזָן: Rashi explains that the average weaver is considered a brazen individual. This expression means that a weaver who lacks a sense of humility is destined for a premature death, like the unrepentant weaver in the Gemara, who was the only one who refused to repent. Others interpret this proverb as an instruction: If he is brazen, shorten his life.

The thieves of Babylonia and the bandits of Eretz Yisrael – גַּנָּבֵי בָּבֶל וְלִסְטִין דְּאֶרֶץ יִשְׂרָאֵל: Rashi explains that in general bandits are more dangerous than thieves because they are bolder and are not afraid to commit their crimes in broad daylight. The Gemara is praising Eretz Yisrael by noting that even the basest individuals in the Holy Land are nobler than their counterparts in Babylonia.

On the Jewish woman's property – בִּרְשׁוּתָהּ: This condition is not mentioned with regard to a midwife because it is presumed that a woman gives birth on her own property (see *Tosafot*).

LANGUAGE

Weaver [*girdana*] – גִּירְדָּנָא: From the Greek γερδιός, *guerdios*, or γέρδις, *guerdis*, meaning weaver.

Shy [*taizan*] – טַיְיזָן: Several possibilities have been suggested for the source of this word. Some claim that it is from the Persian taziyan, meaning rushing or hurried. If so, the phrase means that a weaver who is idle will die quickly, like this weaver who did not hurry to apologize.

BACKGROUND

Her hand on the infant's temple – יָדָא אַפּוּתָא: A midwife, if she so wishes, can easily cause the death of an infant without alerting anyone to her actions. Aside from the possibility of making the child choke or suffocate, she can discreetly apply fatal pressure to the newborn's temple, as the skull of an infant is not fully formed at birth.

HALAKHA

A Jewish woman may not deliver – בַּת יִשְׂרָאֵל לֹא תְיַלֵּד: A Jewish woman may not deliver or nurse a gentile child. Rabbi Akiva Eiger writes that this prohibition does not apply in the case of gentiles who have accepted the seven Noahide mitzvot (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:16; *Shulḥan Arukh*, *Yoreh De'a* 154:2, and see *Oraḥ Ḥayyim* 330:8).

When other women are standing over her, etc. – בְּזִמַּן שֶׁאֲחֵרוֹת עוֹמְדוֹת וכו': A gentile woman should not be allowed to deliver the infant of a Jewish woman when they are alone, even if she is a professional midwife (see *Shakh*). Likewise, she may not nurse a Jewish child in her own home, although it is permitted for her to do so in the home of a Jew, provided that she is supervised. This supervision need not be continuous, as it is acceptable for her to nurse a child if others enter the home at random intervals. It is prohibited to leave the infant alone with a gentile at night (*Tosafot*). Some commentaries write that in all situations it is preferable for a Jewish woman to nurse the infant, due to the fact that a gentile woman frequently ingests non-kosher foods (Rema). The same stricture applies to a Jewish woman who eats non-kosher foods, even if she is permitted to do so for health reasons (*Shulḥan Arukh*, *Yoreh De'a* 154:1).

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כִּי הַהִיא אִיתְּתָא דַּאֲמָרָה לַחֲבֶרְתָּהּ: מוֹלְדָא יְהוּדְיָיתָא בַּת מוֹלְדָא יְהוּדְיָיתָא! אֲמַרָה לָהּ: נְפִישִׁין בִּישְׁתָּא דַּהֲהִיא אִיתְּתָא, דְּקָא מַשְׁפִּילְנָא מִינַּיְיהוּ דָּמָא כִּי אוּפְיָא דְּנַהֲרָא.

The Gemara relates a story that validates this concern. This is **like** that incident involving **a certain** gentile **woman who said to her fellow** gentile: You are **the midwife of Jewish women, the daughter of a midwife of Jewish women.** This was meant as an insult. In response, the other gentile **said to her:** May as **many evils** befall **that woman,**[N] i.e., you, as the number of Jewish infants that I have killed, **as I extract blood from them like the foam** [*ufeya*][L] **of a river.** This gentile midwife claimed to have caused the deaths of many Jewish children.

וְרַבָּנַן אָמְרוּ לָךְ: לָא הִיא, בְּמִילְּתָא בְּעָלְמָא הוּא דְּאוֹקִימְתָּה.

The Gemara clarifies the opinion of the Rabbis: **And the Rabbis,** who are not concerned to the same extent as Rabbi Meir, would **say to you:** That **is not so;** it was **merely** through **words that** the gentile midwife **was establishing herself.** In other words, she was bragging in order to intimidate her antagonist, whereas in reality she did not kill any infants.

״בַּת יִשְׂרָאֵל לֹא תָּנִיק״. תָּנוּ רַבָּנַן: בַּת יִשְׂרָאֵל לֹא תָּנִיק בְּנָהּ שֶׁל נָכְרִית – מִפְּנֵי שֶׁמְּגַדֶּלֶת בֵּן לַעֲבוֹדָה זָרָה, וְנָכְרִית לֹא תָּנִיק אֶת בְּנָהּ שֶׁל בַּת יִשְׂרָאֵל – מִפְּנֵי שֶׁחֲשׁוּדָה עַל שְׁפִיכוּת דָּמִים, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: נָכְרִית מֵנִיקָה אֶת בְּנָהּ שֶׁל בַּת יִשְׂרָאֵל בִּזְמַן שֶׁאֲחֵרוֹת עוֹמְדוֹת עַל גַּבָּהּ, אֲבָל לֹא בֵּינוֹ לְבֵינָהּ. וְרַבִּי מֵאִיר אוֹמֵר: אֲפִילּוּ אֲחֵרוֹת עוֹמְדוֹת עַל גַּבָּהּ נַמִּי לָא, דְּזִימְנִין דְּשָׂיְימָא לֵיהּ סַמָּא לְדַד מֵאַבְּרַאי וְקָטְלָא לֵיהּ.

§ The mishna teaches that **a Jewish woman may not nurse** the child of a gentile woman. **The Sages taught: A Jewish woman may not nurse the child of a gentile woman because** in doing so **she is** effectively **raising a child** who will engage in **idol worship. And** one **may not** allow **a gentile woman** to **nurse the child of a Jewish woman because she is suspected of bloodshed;** this is **the statement of Rabbi Meir. And the Rabbis say:** One **may** allow **a gentile woman** to **nurse the child of a Jewish woman when other women are standing over her, but not** when the gentile woman is **alone together** with the child. **And Rabbi Meir says: Even** when **other women are standing over her** one **may not** allow a gentile woman to nurse the child, **because** there are **times when she smears poison** intended **for him upon** her **breast** when she is **outside** the house, **and** subsequently **kills him** with it while nursing.

וּצְרִיכָא, דְּאִי אַשְׁמַעִינַן מִילַּדְתָּ – בְּהַהִיא קָאָמְרִי רַבָּנַן דְּשָׁרֵי, דְּלָא אֶפְשָׁר, מִשּׁוּם דַּאֲחֵרוֹת רוֹאוֹת אוֹתָהּ, אֲבָל מֵנִיקָה דְּאֶפְשָׁר דְּשָׂיְימָא לֵיהּ סַם לְדַד מֵאַבְּרַאי וְקָטְלָא לֵיהּ – אֵימָא מוֹדֵי לֵיהּ לְרַבִּי מֵאִיר;

The Gemara remarks: **And it is necessary** for the dispute between Rabbi Meir and the Rabbis to be stated with regard to both the case of a midwife and that of a wet nurse. The reason is **that if** the *tanna* had **taught us** only the *halakha* of **a midwife,** one might assume that it is only **in that** case that **the Rabbis said that it is permitted** to allow the gentile to deliver a Jewish infant, **because it is not possible** for her to kill him, **due to** the fact **that other women see her. But** with regard to **a wet nurse, as it is possible that she** might **smear poison upon** her **breast** while she is still **outside** the house **and** then **kill him** with it, one might **say** that the Rabbis **concede to Rabbi Meir** that a gentile woman may not be allowed to nurse the son of a Jewish woman under any circumstances.

וְאִי אַשְׁמַעִינַן מֵנִיקָה – בְּהַהִיא קָאָמַר רַבִּי מֵאִיר דְּאָסוּר, מִשּׁוּם דְּשָׂיְימָא לֵיהּ סַם לְדַד מֵאַבְּרַאי וְקָטְלָא לֵיהּ, אֲבָל מִילַּדְתָּ דְּלָא אֶפְשָׁר הֵיכָא דַּאֲחֵרוֹת עוֹמְדוֹת עַל גַּבָּהּ – אֵימָא מוֹדֵי לְהוּ לְרַבָּנַן, צְרִיכָא.

And if the *tanna* **had taught us** only the *halakha* of **a wet nurse,** one might assume that it is only **in that** case that **Rabbi Meir said that it is prohibited** for a gentile to nurse a Jewish infant, **due to** the fact **that she** might **smear poison upon** her **breast** while **outside** the house **and kill him** with it. **But** with regard to **a midwife, since it is not possible** for her to kill him **where other women are standing over her,** one might **say** that Rabbi Meir **concedes to the Rabbis.** The Gemara concludes: It is therefore **necessary** for this dispute to be stated with regard to both cases.

וּרְמִינְהוּ: יְהוּדִית מְיַלֶּדֶת אֲרָמִית בְּשָׂכָר, אֲבָל לֹא בְּחִנָּם! אֲמַר רַב יוֹסֵף: בְּשָׂכָר שָׁרֵי מִשּׁוּם אֵיבָה.

§ Based on the above discussion, all agree that a Jewish woman may not deliver the child of a gentile woman. **And** the Gemara **raises a contradiction** from a *baraita*: **A Jewish woman may deliver** the child of **an Aramean woman** in exchange **for payment, but not for free. Rav Yosef said** in response: **It is permitted** in exchange **for payment**[H] **due to** the **enmity**[N] that would be engendered if Jews refused to deliver gentile infants despite being offered money to do so.

NOTES

May as many evils befall that woman – נְפִישִׁין בִּישְׁתָּא: Some commentaries read this exclamation as an oath rather than a curse: May many evils befall me if it is not true that I slay Jewish infants (Rabbeinu Ḥananel).

It is permitted in exchange for payment due to the enmity – בְּשָׂכָר שָׁרֵי מִשּׁוּם אֵיבָה: If a Jewish woman is asked to deliver a gentile child for free, she can easily refuse by explaining that she does not provide professional services gratuitously. This is a perfectly reasonable claim, and is one that would not engender enmity between Jews and gentiles. The early commentaries note that this applies only to professional midwives, as the average woman can simply say that she lacks the necessary expertise to deliver a child (*Tur*, citing Rashba).

LANGUAGE

Foam [*ufeya*] – אוּפְיָא: According to Rabbeinu Ḥananel, this word is related to the Aramaic *ufta*, meaning a branch. Rabbeinu Ḥananel therefore explains that the gentile was referring to the many twigs that float along the surface of a river. Rashi writes that the term is referring to the foam of a river.

HALAKHA

Permitted in exchange for payment – בְּשָׂכָר שָׁרֵי: A Jewish woman who is offered payment to deliver a gentile child is permitted to do so, as stated by Rav Yosef. This ruling applies only during the week; it is prohibited for a Jewish woman to deliver a gentile child on Shabbat even in exchange for payment, because, as Abaye explains, the concern of enmity does not apply. The halakhic authorities write that if withholding such medical treatment would endanger Jews, it is permitted to perform actions that are generally prohibited by the Torah, and even to desecrate Shabbat (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:16 and *Sefer Zemanim*, *Hilkhot Shabbat* 2:12; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 330:2).

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סָבַר רַב יוֹסֵף לְמֵימַר: אוֹלּוּדֵי נָכְרִית בְּשַׁבְּתָא בְּשָׂכָר שָׁרֵי מִשּׁוּם אֵיבָה; אֲמַר לֵיהּ אַבַּיֵי, יָכְלָה לְמֵימַר לָהּ: דִּידָן דְּמִינְטְרִי שַׁבְּתָא מְחַלְּלִינַן עֲלַיְיהוּ, דִּידְכוּ דְּלָא מִינְטְרִי שַׁבְּתָא לָא מְחַלְּלִינַן.

Rav Yosef thought to say: Delivering the child of **a gentile woman on Shabbat** in exchange **for payment is permitted due to enmity. Abaye said to him:** The concern of enmity does not apply here, because **she can say to** the gentile: With regard to **our** own women, **who keep Shabbat,**[N] **we desecrate** Shabbat **for them;** with regard to **your** women, **who do not keep Shabbat, we do not desecrate** Shabbat for them.

סָבַר רַב יוֹסֵף לְמֵימַר: אָנוּקֵי בְּשָׂכָר שָׁרֵי מִשּׁוּם אֵיבָה; אֲמַר לֵיהּ אַבַּיֵי: יָכְלָה לְמֵימַר, אִי פְּנוּיָה הִיא: ״בָּעֵינָא לְאִינְסוּבֵי״, אִי אֵשֶׁת אִישׁ הִיא: ״לָא קָא מִזְדַּהֲמְנָא בְּאַפֵּי גַּבְרָא״.

Rav Yosef also **thought to say: Nursing** the child of a gentile woman in exchange **for payment**[H] **is permitted due to enmity. Abaye said to him:** The concern of enmity does not apply, because **she can say, if she is unmarried: I wish to get married.** And **if she is a married woman,** she may say: **I do not wish to become repulsive to my husband.** Since she can provide a reasonable excuse for refusing to nurse a gentile child, the concern of enmity does not apply.

סָבַר רַב יוֹסֵף לְמֵימַר, הָא דְּתַנְיָא: הַגּוֹיִם וְרוֹעֵי בְּהֵמָה דַּקָּה לֹא מַעֲלִין וְלֹא מוֹרִידִין, אַסּוּקֵי בְּשָׂכָר שָׁרֵי מִשּׁוּם אֵיבָה;

Rav Yosef thought to say a similar idea concerning **that which is taught** in a *baraita*: With regard to **gentiles and shepherds of small domesticated animals,**[NH] **one may not raise**[N] them out of a pit **and one may not lower** them into a pit. Rav Yosef suggested that even so, **it is permitted to raise them** from the pit in exchange **for payment, due to enmity.**

אַבַּיֵי לֵיהּ אַבַּיֵי, יָכוֹל לוֹמַר לוֹ: ״קָאֵי בְּרִי אַאִיגָּרָא״, אִי נַמִי: ״נְקִיטָא לִי זִימְנָא לְבֵי דַּוָּאר״.

Abaye said to him: It is prohibited to raise a gentile from a pit even in exchange for payment, because one **can say** an excuse **to him,** such as: **My son is standing on the roof**[N] and I must go use this ladder to help him down from the roof. **Alternatively,** he can say to him: **A time has been appointed for me to** appear in the **courthouse** [***bei davar***][L] and I must attend to this matter. Since the Jew can provide a legitimate excuse for refusing to aid the gentile, there is no need to extract him from the pit.

תָּנֵי רַבִּי אַבָּהוּ קַמֵּיהּ דְּרַבִּי יוֹחָנָן: הַגּוֹיִם וְרוֹעֵי בְּהֵמָה דַּקָּה – לֹא מַעֲלִין

Apropos the notion of raising someone from or lowering him into a pit, the Gemara notes that **Rabbi Abbahu taught** the following while standing **before Rabbi Yoḥanan:** With regard to **gentiles and shepherds of domesticated animals, one may not raise** them from a pit,

LANGUAGE

Courthouse [*bei davar*] – בֵּי דַּוָּאר: The word *davar* is apparently from the Middle Persian dādvar, which means judge. Consequently, the phrase *bei davar* literally means a judge's house, i.e., a courthouse.

NOTES

Our own women, who keep Shabbat, etc. – דִּידָן דְּמִינְטְרִי שַׁבְּתָא וכו׳: This claim is not a fabricated excuse. One of the reasons that Shabbat is desecrated in order to save a life is that the Torah intimates: Desecrate one Shabbat for someone so that he can observe many *Shabbatot*. This rationale is applicable only to one who is commanded to keep Shabbat.

Shepherds of small domesticated animals – רוֹעֵי בְּהֵמָה דַּקָּה: The term small domesticated animals refers to sheep and goats, particularly the indigenous black goats of Eretz Yisrael. These animals often wander off and graze on the fields of others, causing significant damage to their property. Additionally they can lay waste to expansive grassy areas, leading to severe soil depletion. For these reasons, the Sages prohibited a Jew from raising small domesticated animals in Eretz Yisrael and dealt harshly with anyone who ignored this decree.

One may not raise – לֹא מַעֲלִין: That is, if either of these categories of people entered into a dangerous situation of their own accord, they are neither aided nor hindered.

My son is standing on the roof, etc. – קָאֵי בְּרִי אַאִיגָּרָא כו׳: If one is able to provide a reasonable excuse for why he cannot aid the gentile, no enmity would result from his refusal to help.

HALAKHA

Nursing the child of a gentile woman for payment – אָנוּקֵי בְּשָׂכָר: A Jewish woman may not nurse the child of a gentile woman even if she is offered payment for her services. The Rema writes that if a Jewish woman experiences discomfort due to the excess milk in her breasts, she is permitted to nurse a gentile child (*Shulḥan Arukh*, *Yoreh De'a* 154:2).

Gentiles and shepherds of small domesticated animals – הַגּוֹיִם וְרוֹעֵי בְּהֵמָה דַּקָּה: Although one may not directly cause the death of a gentile or a shepherd of small domesticated animals, one should not save them if they are already in peril even if offered payment, in accordance with the opinion of Abaye. This applies only where there is no concern of evoking enmity between Jews and gentiles. If such a concern exists, it is permitted to aid a gentile even without payment (Rema). The shepherds of small domesticated animals referred to in the Gemara are shepherds who allow their flock to graze in the fields of other Jews in Eretz Yisrael (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:1 and *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:11–12; *Shulḥan Arukh*, *Yoreh De'a* 158:1, *Ḥoshen Mishpat* 425:5, and see 409:1).

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and one may not lower them into a pit. **But the heretics,**[N] **and the informers,**[HN] **and the apostates** [*vehameshummadim*][L] **are lowered** into a pit, **but not raised** out of it.

וְלֹא מוֹרִידִין, אֲבָל הַמִּינִין וְהַמָּסוֹרוֹת וְהַמְשׁוּמָּדִים – מוֹרִידִין וְלֹא מַעֲלִין.

Rabbi Yoḥanan **said to** Rabbi Abbahu: **I teach** that the verse: "And so you shall do **with every lost item of your brother"** (Deuteronomy 22:3), serves **to include the apostate**[HN] in one's obligation to return a lost item to another Jew; **and you say** that **one may lower** him into a pit? **Remove** the term **apostate from here.**

אָמַר לֵיהּ, אֲנִי שׁוֹנֶה: ״לְכָל אֲבֵדַת אָחִיךָ״ – לְרַבּוֹת אֶת הַמְשׁוּמָּד, וְאַתְּ אָמַרְתְּ מוֹרִידִין? סְמֵי מִכָּאן מְשׁוּמָּד!

The Gemara asks: **And let** Rabbi Abbahu **answer** Rabbi Yoḥanan as follows: **Here,** with regard to a lost item, the verse includes an apostate because it is referring **to an apostate** who **eats non-kosher meat due to** his **appetite,** i.e., he succumbs to the temptation. Conversely, **there,** with regard to raising an apostate from a pit, I am referring to **an apostate** who **eats non-kosher meat to express insolence.** The Gemara answers: Rabbi Abbahu **holds** that one who **eats non-kosher meat to express insolence**[H] **is a heretic,**[N] rather than an apostate.

וְלִישַׁנֵּי לֵיהּ: כָּאן בִּמְשׁוּמָּד אוֹכֵל נְבֵילוֹת לְתֵיאָבוֹן, כָּאן בִּמְשׁוּמָּד אוֹכֵל נְבֵילוֹת לְהַכְעִיס! קָסָבַר: אוֹכֵל נְבֵילוֹת לְהַכְעִיס מִין הוּא.

§ It **was stated** with regard to the definition of **an apostate** that **Rav Aḥa and Ravina disagree. One says** that someone who transgresses a prohibition **due to** his **appetite** is **an apostate,** while one who transgresses a prohibition in order **to express insolence is a heretic. And one says** that **even** one who sins **to express insolence** is considered **an apostate.**[N] **Rather, who is** considered **a heretic? This is an idol worshipper.**

אִיתְּמַר: מְשׁוּמָּד, פְּלִיגִי רַב אַחָא וְרָבִינָא, חַד אָמַר: לְתֵיאָבוֹן – מְשׁוּמָּד, לְהַכְעִיס – מִין הָוֵי, וְחַד אָמַר: אֲפִילּוּ לְהַכְעִיס נַמִּי מְשׁוּמָּד, אֶלָּא אֵיזֶהוּ מִין? זֶה הָעוֹבֵד עֲבוֹדָה זָרָה.

The Gemara **raises an objection** from a *baraita* against the opinion that one who sins to express insolence is considered a heretic. The *baraita* teaches: If **one ate a single flea or a single mosquito, he is** considered **an apostate.** The Gemara clarifies the objection: **But here** it must be assumed **that** the insect was eaten **to express insolence,** as it is unappetizing, **and** yet this *baraita* **teaches** that one who eats a flea or a mosquito is **an apostate.** The Gemara answers: **There, he desires to experience the taste of forbidden** food,[N] and therefore he is considered to be eating only due to temptation.

מֵיתִיבִי: אָכַל פַּרְעוֹשׁ אֶחָד אוֹ יַתּוּשׁ אֶחָד – הֲרֵי זֶה מְשׁוּמָּד; וְהָא הָכָא דְּלְהַכְעִיס הוּא, וְקָתָנֵי: מְשׁוּמָּד! הָתָם בָּעֵי לְמֵיטְעַם טַעְמָא דְּאִיסּוּרָא.

HALAKHA

The heretics and the informers – הַמִּינִין וְהַמָּסוֹרוֹת: It is a mitzva to completely annihilate heretics and informers, because they are the bane of the Jewish people and steer the chosen nation away from God. The halakhic authorities write that these directives with regard to heretics and apostates were issued only to protect the nation from spiritual harm. The Ḥazon Ish writes that since nowadays taking such harsh actions would be pointless and counterproductive, it is incumbent upon the Jewish people to do everything in their power to reach out to such Jews with love and kindness, so that they return to the light of Torah (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:1; *Shulḥan Arukh*, *Yoreh De'a* 158:2 and *Ḥoshen Mishpat* 425:5).

To include the apostate – לְרַבּוֹת אֶת הַמְשׁוּמָּד: One is obligated to return a lost item to its owner, even if that owner is a wicked person who seeks to satisfy his basest desires. Similarly, one is obligated to prevent his death wherever possible (Rambam *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 11:2 and *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:11–12; *Shulḥan Arukh*, *Ḥoshen Mishpat* 266:2, 425:5).

One who eats non-kosher meat to express insolence – אוֹכֵל נְבֵילוֹת לְהַכְעִיס: One who eats non-kosher meat or transgresses some other prohibition in order to express insolence toward God is classified as a heretic and it is prohibited to return his lost property. Furthermore, it is a mitzva to bring about the demise of such a person, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:1, *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 11:2 and *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:11–12; *Shulḥan Arukh*, *Yoreh De'a* 158:2 and *Ḥoshen Mishpat* 266:2, 425:5).

LANGUAGE

Apostates [*meshummadim*] – מְשׁוּמָּדִים: Although the meaning of this word is clear, its etymology remains uncertain. Some *ge'onim* write that it is a slightly abridged version of the term *meshu'amad*, whose root *ayin*, *mem*, *dalet* connotes baptism and is also a pejorative reference to a chamber pot. Apparently, gentile scholars concurred with this interpretation, as censored editions of the Talmud replace this word with the term *mumar*. Others explain that the linguistic root of *meshummadim* is *shin*, *mem*, *dalet*, which refers to a curse in Aramaic. Accordingly, *meshummad* literally means: One who is cursed.

NOTES

Heretics – מִינִין: Some commentaries explain that the gentiles mentioned earlier in the Gemara engage in idol worship due to their ignorance, whereas heretics are fervent idol worshippers who intentionally defy the will of God (Ra'ah). Rashi states that the term heretics refers to priests of idol worship, whether they are Jews or gentiles. Others similarly claim that the aforementioned gentiles are simply base individuals who have no concept of law and order, whereas the term heretics is a more general term that includes all idol worshippers, both Jewish and gentile (Meiri). The Rambam writes in *Hilkhot Avoda Zara* 2:5 that heretics are those who stray after the thoughts of their hearts and concern themselves with foolish matters, which leads them to violate Torah law. Elsewhere, the Rambam writes that the term heretics refers specifically to Jewish idol worshippers (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:10).

Informers – מָסוֹרוֹת: These are Jews who provide gentiles with information that enables them to harm another Jew or his property. An informer has the halakhic status of a pursuer, who should be stopped even at the cost of his life, if necessary.

To include the apostate – לְרַבּוֹת אֶת הַמְשׁוּמָּד: If one may not damage the belongings of an apostate, and one is even obligated to return his lost property, it is certainly prohibited to harm him, and in fact one must rescue him from danger.

One who eats non-kosher meat to express insolence is a heretic – אוֹכֵל נְבֵילוֹת לְהַכְעִיס מִין הוּא: A heretic is treated more severely than an apostate. For example, a Torah scroll written by a heretic must be burned because it is presumed that it was written for the sake of idol worship (Rashi).

Even one who sins to express insolence is considered an apostate – אֲפִילּוּ לְהַכְעִיס נַמִּי מְשׁוּמָּד: Some commentaries maintain that expressing insolence in this context simply means that one sins not only due to his appetite, but because he does not care to distinguish between that which is permitted and that which is forbidden. One who actually sins for the purpose of expressing insolence is certainly considered a heretic (Ritva).

The taste of forbidden food – טַעְמָא דְּאִיסּוּרָא: The individual in question strongly desires to experience the taste of a food that a Torah-observant Jew will never consume. Accordingly, he is considered to be one who sins due to his appetite and does not intend to express insolence (Rashi).

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אָמַר מָר: מוֹרִידִין אֲבָל לֹא מַעֲלִין. הָשְׁתָּא אֲחוֹתֵי מַחְתִּינַן, אַסּוּקֵי מִיבָּעֵי? אֲמַר רַב יוֹסֵף בַּר חָמָא אֲמַר רַב שֵׁשֶׁת: לָא נִצְרְכָא, שֶׁאִם הָיְתָה מַעֲלָה בַּבּוֹר – מְגָרְדָה, דְּנָקֵיט לֵיהּ עִילָּאֵי וְאָמַר: לָא תֵּיחוּת חֵיוָתָא עִלָּוֵיהּ.

§ The Gemara returns to the subject of lowering someone into a pit. **The Master said:** Heretics, informers, and apostates **are lowered** into a pit **but not raised** out of it. The Gemara analyzes this statement: **Now** that it is known that one actively **lowers** them into a pit, **is it necessary** to teach that one does not **raise** them from it? **Rav Yosef bar Ḥama said** that **Rav Sheshet said: No,** it is **necessary** to teach this *halakha* because it can be inferred from here **that if there was a ledge in the pit,** a Jew **scrapes it off** so that the one in the pit cannot ascend from it, **as** the Jew **employs a pretext and says** that he is removing the ledge so that **animals do not descend upon** the one in the pit while he is trapped in the pit.

רַבָּה וְרַב יוֹסֵף דְּאָמְרִי תַּרְוַיְיהוּ: לָא נִצְרְכָא, שֶׁאִם הָיְתָה אֶבֶן עַל פִּי הַבְּאֵר מְכַסָּהּ, אָמַר: לְעַבּוּרֵי חֵיוָתָא עִילָּוֵיהּ. רָבִינָא אֲמַר: שֶׁאִם הָיָה סוּלָּם מְסַלְּקוֹ, אָמַר: בָּעֵינָא לְאַחוֹתֵי בְּרִי מֵאִיגָּרָא.

Rabba and Rav Yosef both say a different answer: **No,** it is **necessary** to teach this, as it can be inferred from here **that if there was a stone at the mouth of the well** that one had fallen into, a Jew **covers it** and **says** that he is covering the opening in order **to pass his animals over it. Ravina said:** One can learn from here **that if there was a ladder** in the pit, a Jew **removes it**[H] and **says: I require** the ladder **to lower my son from the roof.**

תָּנוּ רַבָּנַן: יִשְׂרָאֵל מָל אֶת הַגּוֹי לְשׁוּם גֵּר, לְאַפּוּקֵי לְשׁוּם מוּרְנָא דִּלְאָ; וְגוֹי לֹא יָמוּל יִשְׂרָאֵל, מִפְּנֵי שֶׁחַשּׁוּדִין עַל שְׁפִיכוּת דָּמִים, דִּבְרֵי רַבִּי מֵאִיר;

§ The Gemara discusses the subject of assisting or receiving aid from a gentile in the context of circumcision. **The Sages taught: A Jew may circumcise a gentile**[H] **for the sake of** making him **a convert.** This is **to the exclusion of** circumcising a gentile **for the sake of** removing **a worm** [*murna*],[NB] **which** is **not** permitted, as it is forbidden to heal a gentile. **But** one **may not** allow **a gentile** to **circumcise**[H] **a Jew** in any situation, **because** gentiles **are suspected of bloodshed.** This is **the statement of Rabbi Meir.**

וַחֲכָמִים אוֹמְרִים: גּוֹי מָל אֶת יִשְׂרָאֵל בִּזְמַן שֶׁאֲחֵרִים עוֹמְדִין עַל גַּבּוֹ, אֲבָל בֵּינוֹ לְבֵינוֹ לֹא. וְרַבִּי מֵאִיר אוֹמֵר: אֲפִילּוּ אֲחֵרִים עוֹמְדִים עַל גַּבּוֹ נַמִּי לָא, דְּזִימְנִין דְּמַצְלֵי לֵיהּ סַכִּינָא וּמְשַׁוֵּי לֵיהּ בְּרוּת שָׁפְכָה.

And the Rabbis say: One **may** allow **a gentile** to **circumcise a Jew while others are standing over him** and observing his actions, **but not** when they are **alone together. And Rabbi Meir says: Even** where **others are standing over him** it is **also not** permitted, **as** there are **times when** a gentile might **tilt the knife and render** the Jew **one whose penis has been severed,** and he will be unable to father children.

וְסָבַר רַבִּי מֵאִיר: גּוֹי לָא? וְהָרְמִינְהוּ: עִיר שֶׁאֵין בָּהּ רוֹפֵא יִשְׂרָאֵל וְיֵשׁ בָּהּ רוֹפֵא כּוּתִי וְרוֹפֵא אֲרַמַּאי – יָמוּל אֲרַמַּאי וְאַל יָמוּל כּוּתִי, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי יְהוּדָה אוֹמֵר: יָמוּל כּוּתִי וְאַל יָמוּל אֲרַמַּאי!

The Gemara asks: **But does Rabbi Meir hold** that one **may not** allow **a gentile** to circumcise a Jew? **And** the Gemara **raises a contradiction** against this claim from the following *baraita*: In **a city in which there is no Jewish physician, and in which there is a Samaritan**[B] **physician and an Aramean,** i.e., a gentile, **physician,** it is preferable that the **Aramean circumcise**[N] the Jewish boys of the city **and** the **Samaritan not circumcise** them.[N] This is **the statement of Rabbi Meir. Rabbi Yehuda says:** It is preferable that the **Samaritan circumcise** the boys **and** the **Aramean not circumcise** them. Rabbi Meir holds that it is preferable for an Aramean gentile to perform circumcision despite the fact that Samaritans are considered Jewish to a certain extent.

HALAKHA

If there was a ladder in the pit a Jew removes it, etc. – אִם הָיָה סוּלָּם מְסַלְּקוֹ וכו׳: With regard to those individuals concerning whom the Gemara states that they should be cast into a pit and never raised from it, they may be killed even in public. If it is impractical to kill them in public, one approaches them with deceit in order to bring about their demise in a subtle fashion, e.g., by removing a ladder from the pit in which the individual is trapped, with the excuse that it is required to rescue his son from the roof (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:11–12; *Shulḥan Arukh*, *Yoreh De'a* 158:2 and *Ḥoshen Mishpat* 425:5).

A Jew may circumcise a gentile, etc. – יִשְׂרָאֵל מָל אֶת הַגּוֹי וכו׳: A Jew may not circumcise a gentile who wishes to remove his foreskin for medical reasons, because the gentile does not undergo the circumcision with the intent of fulfilling God's will. It is a mitzva to circumcise a gentile who wishes to convert to Judaism and fulfill the mitzva of circumcision. Furthermore, in a situation where remuneration is offered and refraining from circumcising a gentile would lead to enmity, it is permitted (Rambam *Sefer Ahava*, *Hilkhot Mila* 3:7; *Shulḥan Arukh*, *Yoreh De'a* 268:9).

May not allow a gentile to circumcise – גּוֹי לֹא יָמוּל: All Jews are qualified to circumcise another Jew. Even one who is uncircumcised himself may perform this mitzva, as may women, children, and slaves. A gentile may not perform a circumcision. A Jew who was circumcised by a gentile need not be circumcised again after the fact, although a drop of blood is drawn from the area where the foreskin had been (Rambam *Sefer Ahava*, *Hilkhot Mila* 2:1; *Shulḥan Arukh*, *Yoreh De'a* 264:1).

NOTES

For the sake of removing a worm – לְשׁוּם מוּרְנָא: Rashi explains that there is a parasite lodged in the gentile's flesh, which requires the foreskin to be removed in order to extract it. The commentaries write that the ruling that one must refrain from treating the gentile is due to the *halakha* of allowing a gentile to remain trapped in a pit (Rambam).

It is preferable that the Aramean circumcise – יָמוּל אֲרַמַּאי: Since idol worshippers do not circumcise their children, there is no reason to suspect that an Aramean will circumcise a Jewish boy for the sake of idolatry.

And the Samaritan not circumcise them – וְאַל יָמוּל כּוּתִי: Since Samaritans are idol worshippers who also perform circumcisions, it is reasonable to suspect that they might circumcise a Jewish boy for the sake of idolatry.

BACKGROUND

Worm [*murna*] – מוּרְנָא: Various contexts indicate that *murna* is the name of a bug or parasitic worm that inhabits the flesh of animals and humans. If such a parasite lodges itself in a foreskin, it is clear that the most efficient method of ridding oneself of the pain and danger involved is to have the foreskin surgically removed.

Samaritan [*Kuti*] – כּוּתִי: The name *Kutim* refers to the members of the nations, only some of whom were actually from Kuta, who were brought to Eretz Yisrael by the Assyrian kings to replace the Jews who were exiled. These gentiles settled in Samaria and are therefore also known as Samaritans. It is related in II Kings, chapter 17 that they accepted upon themselves some of the strictures of Judaism out of fear of lions that were attacking them. For this reason they are sometimes referred to as lion converts. Nevertheless, they also did not entirely abandon idolatry.

At the beginning of the Second Temple era, when the Jews returned from Babylonia, relations with the Samaritans and their allies deteriorated. The Samaritans attempted to prevent and undermine the construction of the Temple and the wall of Jerusalem by various means, including informing on the Jews to the Persian government and even taking military action. During this period there was also assimilation and intermarriage between Jews and Samaritans. Over time, attitudes toward the Samaritans fluctuated: There were times when deep feelings of hatred separated Samaritans and Jews. Yoḥanan Hyrcanus even waged war against Samaria and destroyed their temple on Mount Gerizim. At other times there was some measure of cooperation between the two communities, such as during the bar Kokheva revolt.

The Sages initially disagreed concerning the halakhic status of the Samaritans and the validity of their conversion. Ultimately, the opinion prevailed that Samaritans are halakhically gentiles, especially after it was discovered that they maintained various idolatrous practices, due in part to Greek and Roman influences. In the last several hundred years different opinions have been voiced with regard to the halakhic status of contemporary Samaritans.

Mount Gerizim

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אֵיפוּךְ, רַבִּי מֵאִיר אוֹמֵר: יָמוּל כּוּתִי וְלֹא אֲרַמַּאי, רַבִּי יְהוּדָה אוֹמֵר: אֲרַמַּאי וְלֹא כּוּתִי.

The Gemara answers: **Reverse** their opinions, so that **Rabbi Meir says:** It is preferable that the **Samaritan circumcise** the boys **and not** the **Aramean,** and **Rabbi Yehuda says:** It is preferable that the **Aramean** circumcise them **and not** the **Samaritan.**

וְסָבַר רַבִּי יְהוּדָה: אֲרַמַּאי שַׁפִּיר דָּמֵי? וְהָתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: מִנַּיִן לְמִילָה בְּגוֹי שֶׁהִיא פְּסוּלָה? שֶׁנֶּאֱמַר: ״וְאַתָּה אֶת בְּרִיתִי תִּשְׁמֹר״!

The Gemara asks: **And does Rabbi Yehuda hold** that it is **permitted** for circumcision to be performed **by an Aramean? But isn't it taught** in a *baraita* that **Rabbi Yehuda says: From where** is it derived with regard **to circumcision** performed **by a gentile that** it **is not valid?** It is derived from a verse, **as it is stated:** "And God said to Abraham: **And as for you, you shall keep My covenant,** you, and your seed after you throughout their generations" (Genesis 17:9). "My covenant [*beriti*]" here is a reference to circumcision [*berit mila*], and therefore the verse is teaching that only Abraham and his descendants, i.e., Jews, are qualified to perform circumcision.

אֶלָּא, לְעוֹלָם לָא תֵּיפוּךְ, וְהָכָא בְּמַאי עָסְקִינַן?

Rather, the Gemara suggests, **actually do not reverse it.** As for the apparent contradiction between the two statements of Rabbi Meir, the Gemara explains: **And what are we dealing with here?**

Perek **II**
Daf **27** Amud **a**

NOTES

With an expert physician – בְּרוֹפֵא מוּמְחֶה: Since he is a well-known physician, he will not sully his reputation by severing the child's penis or causing his death. The commentaries add that even if the doctor is not known for his expertise in performing circumcisions it is nevertheless permitted, as he will refrain from damaging his reputation in general (*Tosafot*).

Circumcision from the Torah must be performed for the sake of fulfilling God's will – מִילָה מִן הַתּוֹרָה לִשְׁמָהּ: Even if circumcision must be performed for the sake of fulfilling God's will, it could nevertheless be effective if performed by a gentile. This is because a gentile does not act on his own initiative, but in accordance with the intent of the Jew.

Until his soul leaves his body – עַד שֶׁתֵּצֵא נִשְׁמָתוֹ: This is a disdainful remark: Let him circumcise as many Jews as he desires, because we are not concerned with him or his intentions (*Tiferet Yisrael*).

And as for you, you shall keep My covenant – וְאַתָּה אֶת בְּרִיתִי תִּשְׁמֹר: The commentaries explain this verse as follows: You, i.e., Abraham, must keep God's covenant, but not others (Rabbeinu Ḥananel). In the Jerusalem Talmud (*Shabbat* 19:2) it is stated that the word "you" includes all those who are like Abraham, i.e., his descendants. Rashi notes that this is indicated by the continuation of the verse: "You, and your seed after you throughout their generations."

BACKGROUND

For the sake of Mount Gerizim – לְשֵׁם הַר גְּרִזִים: In the Samaritan Pentateuch, the designation of Mount Gerizim as the site of the Temple is listed as one of the Ten Commandments, and the mountain is considered a location of paramount importance. For this reason, it is assumed that any religious act performed by Samaritan is performed for the sake of Mount Gerizim.

בְּרוֹפֵא מוּמְחֶה, דְּכִי אֲתָא רַב דִּימִי אָמַר רַבִּי יוֹחָנָן: אִם הָיָה מוּמְחֶה לָרַבִּים – מוּתָּר.

We are dealing **with an expert physician,**[N] who will not risk his reputation by harming a child. This is similar to that which Rabbi Yoḥanan said, **as when Rav Dimi came** from Eretz Yisrael to Babylonia, he said that **Rabbi Yoḥanan says: If** the physician **was** considered **a recognized expert,** it is **permitted** for one to be healed by him. When Rabbi Meir said that an Aramean may circumcise a Jewish boy, he was referring specifically to a doctor who is known for his expertise.

וְסָבַר רַבִּי יְהוּדָה כּוּתִי שַׁפִּיר דָּמֵי? וְהָתַנְיָא: יִשְׂרָאֵל מָל אֶת הַכּוּתִי, וְכוּתִי לֹא יָמוּל יִשְׂרָאֵל, מִפְּנֵי שֶׁמָּל לְשֵׁם הַר גְּרִזִים, דִּבְרֵי רַבִּי יְהוּדָה;

The latter clause of the *baraita* states that Rabbi Yehuda maintains that a Samaritan may circumcise a Jewish infant. The Gemara asks: **And does Rabbi Yehuda** actually **hold** that it is **permitted** for a Samaritan to perform circumcision? **But isn't it taught** in a *baraita*: **A Jew may circumcise a Samaritan but a Samaritan may not** be allowed to **circumcise a Jew, because he circumcises** him **for the sake of Mount Gerizim;**[B] this is **the statement of Rabbi Yehuda.**

אָמַר לוֹ רַבִּי יוֹסֵי: וְכִי הֵיכָן מָצִינוּ מִילָה מִן הַתּוֹרָה לִשְׁמָהּ? אֶלָּא מָל וְהוֹלֵךְ עַד שֶׁתֵּצֵא נִשְׁמָתוֹ!

Rabbi Yosei said to him: And where do we find that the mitzva of **circumcision from the Torah** must be performed **for the sake of** fulfilling God's will?[N] **Rather,** a Samaritan **may continue to circumcise** Jews **until his soul leaves** his body,[N] i.e., until the Samaritan dies, and there is no room for concern. But Rabbi Yehuda explicitly states above that circumcision may not be performed by a Samaritan.

אֶלָּא, לְעוֹלָם אֵיפוּךְ כְּדַאֲפְכִינַן מֵעִיקָּרָא, וּדְקָא קַשְׁיָא דְּרַבִּי יְהוּדָה אַדְּרַבִּי יְהוּדָה – הַהִיא דְּרַבִּי יְהוּדָה הַנָּשִׂיא הִיא;

Rather, actually you should **reverse** the opinions in the *baraita* **as we reversed** them **initially. And** as for the **difficulty** raised with regard to one statement **of Rabbi Yehuda against** the other statement **of Rabbi Yehuda, that** opinion, that a gentile may not perform circumcision, **is** actually the opinion **of Rabbi Yehuda HaNasi.** Conversely, the first *baraita*, which is reversed and therefore cites Rabbi Yehuda as maintaining that an Aramean may perform circumcision, is referring to Rabbi Yehuda bar Ilai. Accordingly, the different opinions reflect a dispute between *tanna'im* rather than a contradiction.

דְּתַנְיָא, רַבִּי יְהוּדָה הַנָּשִׂיא אוֹמֵר: מִנַּיִן לְמִילָה בְּגוֹי שֶׁהִיא פְּסוּלָה? תַּלְמוּד לוֹמַר: ״וְאַתָּה אֶת בְּרִיתִי תִּשְׁמֹר״.

The Gemara cites a proof that according to the opinion of Rabbi Yehuda HaNasi a gentile is not qualified to perform circumcision. **As it is taught** in a *baraita* that **Rabbi Yehuda HaNasi says: From where** is it derived with regard **to circumcision** performed **by a gentile that** it **is not valid? The verse states:** "And God said to Abraham: **And as for you, you shall keep My covenant,**[N] you, and your seed after you throughout their generations" (Genesis 17:9).

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אָמַר רַב חִסְדָּא: מַאי טַעְמָא דְּרַבִּי יְהוּדָה? דִּכְתִיב: ״לַה׳ הִמּוֹל״. וְרַבִּי יוֹסֵי? ״הִמּוֹל יִמּוֹל״.

§ It was stated that according to the opinion of Rabbi Yehuda circumcision must be performed for the sake of fulfilling a mitzva, whereas Rabbi Yosei holds that no particular intention is necessary. The Gemara analyzes these opinions. **Rav Ḥisda said: What is the reasoning of Rabbi Yehuda? As it is written:** "And when a stranger shall sojourn with thee, and will keep the Passover **to the Lord let** all his males **be circumcised**" (Exodus 12:48). It can be inferred from the verse that the males must be circumcised "to the Lord," i.e., for the sake of fulfilling God's will. The Gemara asks: **And** what is the reasoning of **Rabbi Yosei?** It is written: "**He must be circumcised** [***himmol yimmol***]" (Genesis 17:13). The usage of the doubled verb teaches that circumcision may be performed by anyone.

וְאִידָךְ, הָכְתִיב: ״לַה׳ הִמּוֹל״! הַהוּא בְּפֶסַח כְּתִיב. וְאִידָךְ נַמִי, הָכְתִיב: ״הִמּוֹל יִמּוֹל״! דִּבְּרָה תּוֹרָה כִּלְשׁוֹן בְּנֵי אָדָם.

The Gemara asks: **And** according to **the other** Sage, i.e., Rabbi Yosei, **isn't it written:** "**To the Lord let** all his males **be circumcised,**" which indicates that circumcision must be performed for the sake of fulfilling God's will? The Gemara answers: **That is written with regard to Passover.** According to Rabbi Yosei, the phrase "to the Lord" is referring to the previous mention of the Paschal offering, rather than to circumcision. Accordingly, the verse should be read: "Will keep Passover to the Lord." The Gemara asks: **And** according to **the other** Sage, Rabbi Yehuda, **isn't it also written:** "**He must be circumcised** [***himmol yimmol***]," indicating that circumcision may be performed by anyone? The Gemara answers: **The Torah spoke in the language of people,**[N] i.e., the doubled verb is the usual style of the Torah, which does not serve to teach a novel *halakha*.

אִיתְּמַר: מִנַּיִן לְמִילָה בְּגוֹי שֶׁהִיא פְּסוּלָה? דָּרוּ בַּר פַּפָּא מִשְּׁמֵיהּ דְּרַב אָמַר: ״וְאַתָּה אֶת בְּרִיתִי תִּשְׁמֹר״; וְרַבִּי יוֹחָנָן: ״הִמּוֹל יִמּוֹל״.

§ The Gemara continues discussing the issue of circumcisions performed by gentiles. **It was stated: From where** is it derived with regard **to circumcision** performed **by a gentile that** it **is not valid? Daru bar Pappa says in the name of Rav:** This is derived from a verse, as it is stated: And God said to Abraham: "**And as for you, you shall keep My covenant,** you, and your seed after you throughout their generations." **And Rabbi Yoḥanan**[N] says that it is derived from the verse: "**He must be circumcised** [***himmol yimmol***]."[N] According to Rabbi Yoḥanan, this verse teaches that a Jew must be circumcised by one who is already circumcised.

מַאי בֵּינַיְיהוּ? עֲרָבִי מָהוּל וְגִבְנוֹנִי מָהוּל אֵיכָּא בֵּינַיְיהוּ, מַאן דְּאָמַר ״הִמּוֹל יִמּוֹל״ – אֵיכָּא, וּמַאן דְּאָמַר ״אֶת בְּרִיתִי תִּשְׁמֹר״ – לֵיכָּא.

The Gemara asks: **What** is the practical difference **between** these two opinions? **There is** a practical difference **between them** with regard to **a circumcised Arab**[H] **or a circumcised hill person** [***gavnuni***].[NL] According to **the one who says** that the *halakha* that a Jewish infant may be circumcised only by one who has been circumcised himself is derived from the verse: "**He must be circumcised** [***himmol yimmol***]," **there is** reason to permit an Arab or *gavnuni* to perform the circumcision, as they are circumcised. **And** according to **the one who says** that circumcision may not be performed by a gentile is derived from the phrase: "**You shall keep my covenant," there is no** reason to permit an Arab or Gibeonite to perform circumcision.

HALAKHA

A circumcised Arab – עֲרָבִי מָהוּל: A gentile may not perform circumcision even if he himself is circumcised (Rambam *Sefer Ahava*, *Hilkhot Mila* 2:1; *Shulḥan Arukh*, *Yoreh De'a* 264:1).

LANGUAGE

Hill person [*gavnuni*] – גִּבְנוֹנִי: The origin of this word and its precise meaning are unclear. According to some commentaries, the *gavnuni* are the mountain-dwelling descendants of Keturah (see Psalms 68:16–17) whom the Torah obligates in the mitzva of circumcision, and who circumcise themselves (*Arukh*). Although Keturah's descendants assimilated with those of Ishmael over the generations, modern-day Arabs distinguish between the two. Furthermore, some of Keturah's descendants evolved into other nomadic nations, such as the Midianites. Alternatively, the *gavnuni* are residents of Gavel, known as the Golan, who are the descendants of nomadic tribes that performed circumcision.

NOTES

The Torah spoke in the language of people – דִּבְּרָה תּוֹרָה כִּלְשׁוֹן בְּנֵי אָדָם: This principle means that one cannot derive a novel *halakha* from every extraneous phrase in the Torah, as in certain matters of style, e.g., forms of emphasis, the Torah is written in the manner that people speak. In other words, the Torah is merely echoing the manner of speech that people use. In a similar vein, the Jerusalem Talmud (*Shabbat* 19:2) states, in reference to the doubling of phrases by which the Torah stresses a point: The phrases are doubled; the Torah speaks in the usual fashion.

And Rabbi Yoḥanan, etc. – וְרַבִּי יוֹחָנָן וכו׳: The *baraita* explicitly states that according to Rabbi Yehuda, the verse "And as for you, you shall keep my covenant" is the source of the requirement that circumcision must be performed by a Jew. Apparently, Rabbi Yoḥanan had a different version of this *baraita* (Ritva).

He must be circumcised [*himmol yimmol*] – הִמּוֹל יִמּוֹל: Some commentaries explain that according to Rabbi Yoḥanan it is as though the phrase is written *hamahul yimmol*, rather than *himmol yimmol*. Accordingly, the verse means: He who is circumcised shall circumcise (Rabbeinu Ḥananel).

Hill person – גִּבְנוֹנִי: Some commentaries explain that these are mountain dwellers who are descendants of Abraham (Rabbeinu Ḥananel). Like Arabs, they circumcise themselves, despite the fact that they are not included in God's covenant. These are likely the descendants of Keturah, whom Abraham married after the death of Sarah (Genesis 25:1–4; see Ra'avad).

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HALAKHA

Deriving benefit from those who are uncircumcised is *konam* for me – קוֹנָם שֶׁאֲנִי נֶהֱנֶה מִן הָעֲרֵלִים: One who takes a vow prohibiting himself from deriving benefit from those who are uncircumcised is permitted to derive benefit from uncircumcised Jews and prohibited from deriving benefit from circumcised gentiles. This is because Jews are typically circumcised while gentiles are usually uncircumcised, and it is assumed that the vow refers to these groups of people in general (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 9:22; *Shulḥan Arukh*, *Yoreh De'a* 217:41–42).

A Jew whose brothers died due to circumcision – יִשְׂרָאֵל שֶׁמֵּתוּ אֶחָיו מֵחֲמַת מִילָה: All Jews may circumcise Jewish infants, even one who is not circumcised himself due to the deaths of his older brothers as a result of circumcision (Rambam *Sefer Ahava*, *Hilkhot Mila* 2:1; *Shulḥan Arukh*, *Yoreh De'a* 264:1).

There is a difference between them with regard to a woman – אִיכָּא בֵּינַיְיהוּ אִשָּׁה: A woman is qualified to perform circumcision if no males are available to do so, in accordance with the opinion of Rabbi Yoḥanan (Rambam). The Rema writes that as there is an opinion that a woman may not circumcise others, it is appropriate to seek out a man to perform this mitzva (Rambam *Sefer Ahava*, *Hilkhot Mila* 2:1; *Shulḥan Arukh*, *Yoreh De'a* 264:1, and see *Shakh* and *Beur HaGra* there).

BACKGROUND

A Jew whose brothers died due to circumcision – יִשְׂרָאֵל שֶׁמֵּתוּ אֶחָיו מֵחֲמַת מִילָה: One whose two older brothers perished as a result of circumcision is not circumcised until he matures. In some cases, this indicates the presence of a genetic disease that can lead to significant risk, and if such a condition persists the child may never be circumcised. This individual is exempt from the mitzva of circumcision due to circumstances beyond his control, although he is disqualified from those mitzvot that must be performed only by one who is circumcised. These mitzvot include the consumption of the Paschal offering and participation in the sacrificial rites.

וּלְמַאן דְּאָמַר ״הִמּוֹל יִמּוֹל״ אִיכָּא? וְהָתְנַן: ״קוֹנָם שֶׁאֲנִי נֶהֱנֶה מִן הָעֲרֵלִים״ – מוּתָּר בַּעֲרֵלֵי יִשְׂרָאֵל וְאָסוּר בְּמוּלֵי אוּמּוֹת הָעוֹלָם; אַלְמָא, אַף עַל גַּב דִּמְהִילִי כְּמַאן דְּלָא מְהִילִי דָּמוּ!

The Gemara raises an objection: **And** is it so, **according to the one who says** it is derived from the verse: "**He must be circumcised** [***himmol yimmol***]," that a Jew may not be circumcised by a gentile, that **there is** reason to permit a circumcised gentile to perform circumcision? **But didn't we learn** in a mishna (*Nedarim* 31b): With regard to one who vows: **Deriving benefit from those who are uncircumcised is *konam* for me,**[H] he **is permitted** to derive benefit **from uncircumcised Jews** because they are not regarded as uncircumcised, **but he is prohibited** from deriving benefit **from the uncircumcised of the nations of the world? Apparently, even though** some gentiles **are circumcised, they are** nevertheless **considered as those who are uncircumcised.**

אֶלָּא אִיכָּא בֵּינַיְיהוּ: יִשְׂרָאֵל שֶׁמֵּתוּ אֶחָיו מֵחֲמַת מִילָה וְלֹא מָלוּהוּ, לְמַאן דְּאָמַר ״וְאַתָּה אֶת בְּרִיתִי תִּשְׁמֹר״ – אִיכָּא, לְמַאן דְּאָמַר ״הִמּוֹל יִמּוֹל״ – לֵיכָּא.

Rather, there is a difference **between them** with regard to **a Jew whose brothers died due to circumcision,**[HB] **and** as a result, **they did not circumcise him. According to the one who says** that the *halakha* is derived from the verse: "**And as for you, you shall keep My covenant," there is** reason to permit such a person to perform circumcision, as he is a Jew. **According to the one who says** that the *halakha* is derived from the phrase: "**He must be circumcised** [***himmol yimmol***]," **there is no** reason to permit this Jew to perform circumcision, as he is not circumcised himself.

וּלְמַאן דְּאָמַר ״הִמּוֹל יִמּוֹל״ לֵיכָּא? וְהָתְנַן: ״קוֹנָם שֶׁאֲנִי נֶהֱנֶה מִמּוּלִים״ – אָסוּר בַּעֲרֵלֵי יִשְׂרָאֵל וּמוּתָּר בְּמוּלֵי אוּמּוֹת הָעוֹלָם; אַלְמָא, אַף עַל גַּב דְּלָא מְהִילִי כְּמַאן דִּמְהִילִי דָּמוּ!

The Gemara rejects this suggestion as well: **And** is it so that **according to the one who says** that the *halakha* is derived from the verse: "**He must be circumcised** [***himmol yimmol***]," **there is no** reason to permit an uncircumcised Jew to perform circumcision? **But didn't we learn** in a mishna (*Nedarim* 31b): With regard to one who vows: **Deriving benefit from those who are circumcised** is *konam* **for me, he is prohibited** from deriving benefit even **from uncircumcised Jews and** he is **permitted** to derive benefit **from the circumcised of the nations of the world. Apparently, even though** some Jews **are not circumcised, they are** nevertheless **considered as those who are circumcised.**

אֶלָּא אִיכָּא בֵּינַיְיהוּ: אִשָּׁה, לְמַאן דְּאָמַר ״וְאַתָּה אֶת בְּרִיתִי תִּשְׁמֹר״ – לֵיכָּא, דְּאִשָּׁה לָאו בַּת מִילָה הִיא, וּלְמַאן דְּאָמַר ״הִמּוֹל יִמּוֹל״ – אִיכָּא, דְּאִשָּׁה כְּמַאן דִּמְהִילָא דָּמְיָא.

Rather, there is a difference **between** these two opinions with regard to **a woman.**[H] **According to the one who says** that the *halakha* is derived from the verse: "**And as for you, you shall keep My covenant," there is no** reason to permit a woman to perform circumcision, **as a woman is not subject to** the mitzva of **circumcision,** and therefore she is not included in those who must keep God's covenant. **And according to the one who says** that the *halakha* is derived from the verse: "**He must be circumcised** [***himmol yimmol***]," **there is** reason to permit a woman to perform circumcision, **as a woman is considered as one who is** naturally **circumcised.**[N]

וּמִי אִיכָּא לְמַאן דְּאָמַר אִשָּׁה לָא? וְהָכְתִיב: ״וַתִּקַּח צִפֹּרָה צֹר״! קְרֵי בֵּיהּ: ״וַתַּקַּח״. וְהָכְתִיב: ״וַתִּכְרֹת״! קְרֵי בֵּיהּ: ״וַתַּכְרֵת״, דַּאֲמָרָה לְאִינִישׁ אַחֲרִינָא וַעֲבַד. וְאִיבָּעֵית אֵימָא: אָתְיָא אִיהִי וְאִתְחֲלָה, וַאֲתָא מֹשֶׁה וְאַגְמְרָהּ.

The Gemara raises a difficulty against this explanation: **And is there anyone who says** that **a woman may not** perform circumcision? **But isn't it written: "Then Zipporah took** [***vattikkaḥ***] **a flint** and cut off the foreskin of her son" (Exodus 4:25). This verse explicitly states that a circumcision was performed by a woman. The Gemara answers that one should **read into** the verse: **And she caused to be taken** [***vattakkaḥ***], i.e., she did not take a flint herself. **But isn't it written: And she cut off** [***vattikhrot***]**? Read into** the verse: **And she caused to be cut off** [***vattakhret***],[N] **as she told another person** to take a flint and cut off her son's foreskin, **and he did** so. The Gemara provides an alternative explanation: **And if you wish, say** instead: **She came and began** the act, **and Moses came and completed** the circumcision.

NOTES

A woman is considered as one who is naturally circumcised – אִשָּׁה כְּמַאן דִּמְהִילָא דָּמְיָא: Some of the early commentaries explain that a woman is considered circumcised simply because she has no foreskin. The Ra'avad provides linguistic support for this idea. Others state that the entire Jewish people is considered circumcised, including its women (*Gilyonei HaShas*; see also *She'iltot deRav Aḥai Gaon*).

And she caused to be taken…and she caused to be cut off – וַתַּקַּח…וַתִּכְרֹת: The commentaries explain that the Gemara is not suggesting that the wording of the verse should actually be modified. Rather, the verse is read in such a manner as to allude to the idea that although the circumcision is attributed to Zipporah, in reality she did not perform the act herself (Ritva).

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מתני׳ מִתְרַפְּאִין מֵהֶן רִיפּוּי מָמוֹן, אֲבָל לֹא רִיפּוּי נְפָשׁוֹת. וְאֵין מְסַתְּפְּרִין מֵהֶן בְּכָל מָקוֹם, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: בִּרְשׁוּת הָרַבִּים מוּתָּר, אֲבָל לֹא בֵּינוֹ לְבֵינוֹ.

MISHNA The mishna discusses the issue of accepting certain professional services from a gentile. **One may be treated by** gentiles, provided that it is **monetary treatment, but not personal treatment. And one may not have his hair cut by them anywhere,** due to the danger that the gentile will kill him with the razor; this is **the statement of Rabbi Meir. And the Rabbis say: In the public thoroughfare,** it is **permitted**[H] to have one's hair cut by a gentile, **but not** when the Jew and gentile are **alone together.**

גמ׳ מַאי ״רִיפּוּי מָמוֹן״ וּמַאי ״רִיפּוּי נְפָשׁוֹת״? אִילֵימָא ״רִיפּוּי מָמוֹן״ – בְּשָׂכָר, ״רִיפּוּי נְפָשׁוֹת״ – בְּחִנָּם, לֵיתְנֵי: מִתְרַפְּאִין מֵהֶן בְּשָׂכָר אֲבָל לֹא בְּחִנָּם!

GEMARA **What** is **monetary treatment, and what** is **personal treatment? If we say** that **monetary treatment** is medical attention provided in exchange **for payment,**[N] whereas **personal treatment** is medical attention provided **for free,** then **let** the mishna **teach: One may be treated by** gentiles in exchange **for payment, but not for free.**

אֶלָּא ״רִיפּוּי מָמוֹן״ – דָּבָר שֶׁאֵין בּוֹ סַכָּנָה, ״רִיפּוּי נְפָשׁוֹת״ – דָּבָר שֶׁיֵּשׁ בּוֹ סַכָּנָה, וְהָאָמַר רַב יְהוּדָה: אֲפִילּוּ רִיבְדָּא דְּכוּסִילְתָּא לָא מַתַּסִּינַן מִינַּייהוּ!

The Gemara suggests another explanation: **Rather, monetary treatment** is referring to medical treatment for **a matter that poses no** life-threatening **danger,** whereas **personal treatment** is referring to treatment for **a matter that does pose** life-threatening **danger.**[H] The Gemara rejects this suggestion as well. **But doesn't Rav Yehuda say: Even** with regard to the wound of **a bloodletting incision** [***rivda dekhusilta***][NL] **we are not** permitted to be **treated by** gentiles. The wound left after bloodletting certainly does not pose life-threatening danger, and yet a Jew is prohibited from having it treated by a gentile.

אֶלָּא ״רִיפּוּי מָמוֹן״ – בְּהֶמְתּוֹ, ״רִיפּוּי נְפָשׁוֹת״ – גּוּפֵיהּ. וְהַיְינוּ דְּאָמַר רַב יְהוּדָה: אֲפִילּוּ רִיבְדָּא דְּכוּסִילְתָּא לָא מַתַּסִּינַן מִינַּייהוּ.

Rather, monetary treatment is referring to medical treatment provided for **one's animal,** whereas **personal treatment** is referring to treatment provided for **his** own **body, and this is** in accordance with **that** which **Rav Yehuda says: Even** with regard to the wound of **a bloodletting incision, we are not** permitted to be **treated by them.**

אָמַר רַב חִסְדָּא אָמַר מָר עוּקְבָא: אֲבָל אִם אָמַר לוֹ סַם פְּלוֹנִי יָפֶה לוֹ, סַם פְּלוֹנִי רַע לוֹ – מוּתָּר,

Rav Ḥisda says that **Mar Ukva says: But if** a gentile **said to him: Such and such a potion**[H] **is beneficial for** this ailment, or **such and such a potion is harmful for** this ailment, it is **permitted** to adhere to the gentile's advice.

NOTES

Monetary treatment is medical attention provided in exchange for payment – רִיפּוּי מָמוֹן בְּשָׂכָר: The rationale for this opinion is that a gentile will not risk losing money by causing death or injury to the patient (Rashi).

Bloodletting incision – רִיבְדָּא דְּכוּסִילְתָּא: Rashi explains that one who experiences pain due to the minor wound created in the process of bloodletting may not seek treatment from a gentile. Others state that one may not have the bloodletting itself be done by a gentile (Meiri; Ritva).

LANGUAGE

Bloodletting incision [*rivda dekhusilta*] – רִיבְדָּא דְּכוּסִילְתָּא: *Rivda* refers to a puncture or incision. *Khusilta* is the Aramaic term for bloodletting, or the wound created in the process.

HALAKHA

In the public thoroughfare it is permitted – בִּרְשׁוּת הָרַבִּים מוּתָּר: One may have his hair cut by a gentile only when others are in the vicinity, because there is a concern that the gentile barber might attempt to kill him if he cuts his hair in private (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:11; *Shulḥan Arukh*, *Yoreh De'a* 156:1).

A matter that poses life-threatening danger – דָּבָר שֶׁיֵּשׁ בּוֹ סַכָּנָה: With regard to any affliction for which one is permitted to desecrate Shabbat, one may not be treated by a gentile who is not a recognized expert, due to the concern over bloodshed. This is in accordance with the opinion of Rabbi Yoḥanan and contrary to the opinion of Rav Yehuda, who prohibits all forms of personal treatment. Some commentaries explain that Rav Yehuda issued his ruling specifically with regard to one who is not seriously ill, and the *halakha* is in accordance with this opinion (Rosh and *Tur*, citing Rabbeinu Tam).

The Rema cites an opinion that Rav Yehuda prohibits one from receiving only gratuitous treatment from a gentile, whereas treatment provided in exchange for payment is permitted. According to this interpretation, when the Gemara rejects the notion that monetary and personal treatment refer to paid and gratuitous treatment respectively, this applies only to the meaning of the mishna. Nevertheless, this distinction itself remains tenable in the realm of *halakha* (*Shakh*).

The halakhic authorities write that nowadays all gentile physicians are considered expert doctors, and gentiles are no longer suspected of bloodshed in all cases (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 155:1).

If a gentile said to him, such and such a potion – אָמַר לוֹ סַם פְּלוֹנִי: It is permitted to seek a gentile physician's advice with regard to the use of a particular substance to treat one's current ailment, in accordance with the opinion of Rav Ḥisda. Nevertheless, one may not accept medicine directly from him (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 155:1).

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סָבַר: שַׁיּוּלֵי מְשַׁאֵיל לוֹ, כִּי הֵיכִי דְּמְשַׁאֵיל לוֹ מְשַׁאֵיל לְאִינִישׁ אַחֲרִינָא, וַאֲתָא הַהוּא גַּבְרָא לְאוֹרוּעֵי נַפְשֵׁיהּ.

The Gemara explains the rationale for this leniency: The gentile **thinks** to himself that the Jew **is asking**[N] **him** for his opinion, and **just as he is asking him, he** will also **ask other people. And** the gentile further reasons that if the Jew understands that the gentile provided him with bad advice, **that man,** i.e., the gentile, **will bring harm to himself** by damaging his own reputation. It is therefore assumed that the gentile will provide good advice in order to avoid sullying his reputation.

אָמַר רָבָא אָמַר רַבִּי יוֹחָנָן, וְאָמְרִי לָהּ אָמַר רַב חִסְדָּא אָמַר רַבִּי יוֹחָנָן: סָפֵק חַי סָפֵק מֵת – אֵין מִתְרַפְּאִין מֵהֶן, וַדַּאי מֵת – מִתְרַפְּאִין מֵהֶן.

§ The Gemara analyzes a situation in which one may receive medical attention from gentiles. **Rava says** that **Rabbi Yoḥanan says, and some say** that it was **Rav Ḥisda** who **says** that **Rabbi Yoḥanan says:** If there is **uncertainty** as to whether a patient will **live** through his ailment **or die**[H] from it, the patient **may not be treated by** gentile doctors, due to the concern that a gentile doctor may kill him. But if it is **certain** that he will **die** from his affliction if he does not receive medical attention, the patient **is treated by them,**[N] as it is possible that a gentile physician will save him.

מֵת, הָאיכָּא חַיֵּי שָׁעָה! לְחַיֵּי שָׁעָה לָא חָיְישִׁינַן.

The Gemara challenges: Even if it is certain that the patient will **die** if he is not treated, **nevertheless, there is** value in **temporal life,** i.e., it is preferable for the Jew to live as long as his ailment permits rather than risking a premature death at the hands of a gentile physician. The Gemara explains: **We are not concerned with** the value of **temporal life** when there is a possibility of permanent recovery, and therefore it is preferable to receive medical attention from a gentile despite the risk involved.

וּמְנָא תֵּימְרָא דְּלְחַיֵּי שָׁעָה לָא חָיְישִׁינַן? דִּכְתִיב: ״אִם אָמַרְנוּ נָבוֹא הָעִיר וְהָרָעָב בָּעִיר וָמַתְנוּ שָׁם״, וְהָאיכָּא חַיֵּי שָׁעָה! אֶלָּא לָאו לְחַיֵּי שָׁעָה לָא חָיְישִׁינַן.

The Gemara asks: **And from where do you say that we are not concerned with** the value of **temporal life? As it is written** with regard to the discussion held by four lepers left outside a besieged city: "**If we say: We will enter into the city, then the famine is in the city, and we shall die there;** and if we sit still here, we also die. Now therefore come, and let us fall unto the host of the Arameans; if they save us alive, we shall live; and if they kill us, we shall but die" (II Kings 7:4). The starving lepers decided to risk premature death rather than waiting to die of starvation. The Gemara asks rhetorically: **But isn't there temporal life** to be lost, in which case it would be preferable for the lepers to remain in their current location? **Rather, is it not** apparent that **we are not concerned with** the value of **temporal life?**

מֵיתִיבִי: לֹא יִשָּׂא וְיִתֵּן אָדָם עִם הַמִּינִין, וְאֵין מִתְרַפְּאִין מֵהֶן אֲפִילּוּ לְחַיֵּי שָׁעָה;

The Gemara **raises an objection** from a *baraita*: **A person may not engage in dealings**[N] **with heretics, and one may not be treated by them even in** a case where it is clear that without medical attention one will experience only **temporal life.**

מַעֲשֶׂה בְּבֶן דָּמָא בֶּן אֲחוֹתוֹ שֶׁל רַבִּי יִשְׁמָעֵאל שֶׁהִכִּישׁוֹ נָחָשׁ, וּבָא יַעֲקֹב אִישׁ כְּפַר סְכַנְיָא לְרַפְּאוֹתוֹ, וְלֹא הִנִּיחוֹ רַבִּי יִשְׁמָעֵאל, וְאָמַר לוֹ: רַבִּי יִשְׁמָעֵאל אָחִי, הַנַּח לוֹ וְאֵרָפֵא מִמֶּנּוּ, וַאֲנִי אָבִיא מִקְרָא מִן הַתּוֹרָה שֶׁהוּא מוּתָּר, וְלֹא הִסְפִּיק לִגְמוֹר אֶת הַדָּבָר עַד שֶׁיָּצְתָה נִשְׁמָתוֹ וּמֵת.

The *baraita* relates an incident illustrating this point. There was **an incident involving ben Dama,**[P] **son of Rabbi Yishmael's sister, in which a snake bit him. And** following the attack, **Ya'akov of the village of Sekhanya,** who was a heretic, a disciple of Jesus the Nazarene, **came to treat him, but Rabbi Yishmael did not let him** do so. **And** ben Dama **said to him: Rabbi Yishmael, my brother, let him** treat me, **and I will be healed by him. And I will cite a verse from the Torah** to prove **that** accepting medical treatment from a heretic **is permitted** in this situation. **But** ben Dama **did not manage to complete the statement before his soul departed** from his body **and he died.**

NOTES

The Jew is asking – שַׁיּוּלֵי מְשַׁאֵיל: The gentile assumes that the Jew is not asking him to provide a cure, but is only inquiring about the nature of his affliction and its remedy. Additionally, he assumes that the patient will also ask others for their opinions. Consequently, the gentile will not risk damaging his reputation by offering bad advice (Rashi).

If it is certain that he will die the patient is treated by them – וַדַּאי מֵת מִתְרַפְּאִין: Since it is clear that he will die unless he receives treatment, he has nothing to lose by seeing a gentile physician.

One may not engage in dealings, etc. – לֹא יִשָּׂא וְיִתֵּן וכו': Although this phrase generally refers to business dealings, the reference here is to any verbal discourse (Rabbeinu Elḥanan). The Gemara cautions against engaging in extensive discussions and disputes with heretics so that one will not be lured away from the Torah.

HALAKHA

Uncertainty as to whether a patient will live through his ailment or die – סָפֵק חַי סָפֵק מֵת: If there is a possibility that an ailing person will survive his affliction without medical attention, he may not be treated by a gentile. If there is no doubt that he will die without treatment, he may be seen by a gentile physician (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 155:1).

PERSONALITIES

Ben Dama – בֶּן דָּמָא: In the Jerusalem Talmud the full name of this Sage is cited as Elazar ben Dama. Apparently, he was known simply as ben Dama because he did not merit receiving ordination. Elsewhere it is indicated that ben Dama was a close disciple of his uncle, Rabbi Yishmael, from whom he received many answers to his inquiries.

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קָרָא עָלָיו רַבִּי יִשְׁמָעֵאל: אַשְׁרֶיךָ בֶּן דָּמָא, שֶׁגּוּפְךָ טָהוֹר, וְיָצְתָה נִשְׁמָתְךָ בְּטָהֳרָה, וְלֹא עָבַרְתָּ עַל דִּבְרֵי חֲבֵירֶיךָ, שֶׁהָיוּ אוֹמְרִים: ״וּפוֹרֵץ גָּדֵר יִשְׁכָּנֻּו נָחָשׁ״!

Rabbi Yishmael recited with regard to him: Fortunate are you, ben Dama, as your body is pure and your soul departed in purity,[N] **and you did not transgress the statement of your colleagues, who would state** the verse: **"And who breaks through**[N] **a fence, a snake shall bite him"** (Ecclesiastes 10:8), i.e., one is punished for ignoring an ordinance of the Sages. This incident indicates that it is not permitted for one to accept medical treatment from a heretic even if it is clear that without it he will live only a short while.

שְׁאנֵי מִינוּת דְּמָשְׁכָא, דְּאָתֵי לְמִימְשַׁךְ בַּתְרַיְיהוּ.

The Gemara explains: **Heresy is different,**[HN] **as it is enticing.** In other words, it is prohibited to accept medical treatment from a heretic, **as one might come to be drawn after** his heresy. By contrast, receiving medical attention from a gentile is permitted if it is certain that one will die if he is not treated.

אָמַר מָר: לֹא עָבַרְתָּ עַל דִּבְרֵי חֲבֵירֶיךָ, שֶׁהָיוּ אוֹמְרִים: ״וּפוֹרֵץ גָּדֵר יִשְׁכָּנֻּו נָחָשׁ״. אִיהוּ נַמִי חֲוָיָא טַרְקֵיהּ! חֲוָיָא דְּרַבָּנַן דְּלֵית לֵיהּ אָסוּתָא כְּלָל.

The Master said above: **You did not transgress the statement of your colleagues, who would state** the verse: **"And who breaks through a fence, a snake shall bite him."** The Gemara asks: But ben Dama **was also bitten by a snake,** even before this declaration of Rabbi Yishmael, so how can he be considered fortunate? The Gemara explains: **The snake** mentioned in the curse **of the Sages**[N] is different, **as it has no remedy whatsoever.** Although ben Dama was bitten by a snake, he could have been healed.

וּמַאי הֲוָה לֵיהּ לְמֵימַר? ״וָחַי בָּהֶם״ – וְלֹא שֶׁיָּמוּת בָּהֶם.

The Gemara asks: **And what would** ben Dama **have said?** What verse did he intend to cite as proof that it was permitted for him to be healed by a heretic? The verse: "You shall therefore keep My statutes, and My ordinances, which if a man do, **he shall live by them"** (Leviticus 18:5). This teaches that one should live by God's mitzvot, **and not that he** should **die by them.** This verse serves as a source for the *halakha* that one may violate a prohibition in order to save a life.

וְרַבִּי יִשְׁמָעֵאל? הָנֵי מִילֵּי בְּצִינְעָא, אֲבָל בְּפַרְהֶסְיָא לָא; דְּתַנְיָא, הָיָה רַבִּי יִשְׁמָעֵאל אוֹמֵר: מִנַּיִן שֶׁאִם אוֹמְרִים לוֹ לְאָדָם: ״עֲבוֹד עֲבוֹדָה זָרָה וְאַל תֵּהָרֵג״, שֶׁיַּעֲבוֹד וְאַל יֵהָרֵג? תַּלְמוּד לוֹמַר: ״וָחַי בָּהֶם״ – וְלֹא שֶׁיָּמוּת בָּהֶם; יָכוֹל אֲפִילּוּ בְּפַרְהֶסְיָא? תַּלְמוּד לוֹמַר: ״וְלֹא תְחַלְּלוּ אֶת שֵׁם קָדְשִׁי״.

And why does **Rabbi Yishmael** disagree with ben Dama? He maintains that **this matter** applies only **in private,**[H] **but in public**[N] one **may not** transgress a prohibition even to save a life. **As it is taught** in a *baraita* that **Rabbi Yishmael would say: From where** is it derived **that if** oppressors **say to a person: Worship an idol and you** will **not be killed, that one should worship** the idol **and not be killed? The verse states: "He shall live by them," and not that he should die by them.** One **might** have thought that this applies **even in public.** Therefore, **the verse states: "And you shall not profane My holy name"** (Leviticus 22:32).

HALAKHA

Heresy is different – שְׁאנֵי מִינוּת: It is prohibited to be treated by a heretic in all cases, lest others be drawn after his beliefs. Nevertheless, a Jew may accept treatment from a healer who provides medical aid using incantations. This applies only if the healer does not mention the name of a deity in his incantation. If a deity is mentioned, one must die rather than allow himself to be treated. Accepting treatment from a healer who is a heretic is always prohibited, as it is presumed that he will invoke the name of a deity in the course of his treatment (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 155:1).

This matter applies only in private – הָנֵי מִילֵּי בְּצִינְעָא: The three cardinal sins, bloodshed, idolatry, and forbidden sexual relations, may not be violated even at the cost of one's life. This applies both in private and in public. All other sins should be transgressed in order to save one's life, even in public. Nevertheless, if a gentile attempts to force a Jew to transgress a particular prohibition for the express purpose of causing him to violate the Torah, one must sacrifice his own life rather than desecrate God's name in public. In private, it is permitted for one to transgress the prohibition, although he may choose to be killed instead (*Tosafot*; Rosh; Rabbeinu Yeruḥam). This ruling is in accordance with the opinion of the Rabbis, who disagree with Rabbi Yishmael on *Sanhedrin* 74a (Rambam *Sefer HaMadda*, *Hilkhot Yesodei HaTorah* 5:2; *Shulḥan Arukh*, *Yoreh De'a* 157:1).

NOTES

Your soul departed in purity – וְיָצְתָה נִשְׁמָתְךָ בְּטָהֳרָה: Ben Dama's last word was: Permitted, which is an expression of righteousness and purity (Rashi; see *Bava Metzia* 86a). Others explain that ben Dama's purity is expressed in the fact that he died without transgressing the will of the Sages.

Who would state: And who breaks through, etc. – שֶׁהָיוּ אוֹמְרִים וּפוֹרֵץ וכו': The Sages warn that one who ignores the legal fences they enacted to safeguard Torah law, which includes one who disparages the Sages, will be punished with a fatal snakebite.

Heresy is different, etc. – שְׁאנֵי מִינוּת וכו': If one receives effective medical treatment from heretics, there is a concern that he might begin to trust them and their philosophies (*Tosefot Ḥakhmei Angliyya*; Ramban). Others add that heretics must be avoided more than gentiles because they consistently attempt to persuade the masses of their convictions (Rid).

The snake mentioned in the curse of the Sages, etc. – חֲוָיָא דְּרַבָּנַן וכו': Rashi explains the Gemara's question as follows: Even if ben Dama was bitten, why does it matter, seeing as he could recuperate in any case? Accordingly, the answer is that the snake of the Sages' curse is fatal and no recovery is possible. Others add that ben Dama would not have gained anything by accepting the heretic's assistance, as had he done so, his current snakebite would have been replaced with that of the Sages' curse. Therefore, it was preferable for him to die without transgressing the decree of the Sages (*Tosafot*). The same incident is related in the Jerusalem Talmud, with several variations. The Gemara there apparently assumes that the snake of the Sages' curse is not an actual snake but a metaphor for punishment in the World-to-Come.

In public – בְּפַרְהֶסְיָא: When one sins in public he desecrates the glory of Heaven simply by the fact that he knowingly transgresses a prohibition, regardless of its severity. Furthermore, since others witness his transgression, they may also come to transgress the same prohibition (see Rashi).

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אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: כָּל מַכָּה שֶׁמְּחַלְּלִין עָלֶיהָ אֶת הַשַּׁבָּת – אֵין מִתְרַפְּאִין מֵהֶן. וְאֵיכָּא דְּאָמְרִי, אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: כָּל

§ The Gemara examines various circumstances in which one is permitted to receive treatment from a gentile. **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** With regard to **any injury for which Shabbat is desecrated,**[NH] **one may not be treated by** gentiles. **And there are** those **who say** that **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** With regard to **any**

NOTES

Any injury for which Shabbat is desecrated, etc. – כָּל מַכָּה שֶׁמְּחַלְּלִין עָלֶיהָ אֶת הַשַּׁבָּת וכו׳: This refers to any injury or affliction that is potentially fatal. It makes no difference whether it poses an immediate danger to the patient's life, or might evolve into a dangerous malady over time. In both cases it is permitted to desecrate Shabbat to save one's life.

HALAKHA

An injury for which Shabbat is desecrated – מַכָּה שֶׁמְּחַלְּלִין עָלֶיהָ אֶת הַשַּׁבָּת: One may not accept treatment from a gentile for any injury or affliction that is severe enough to permit the desecration of Shabbat, unless the gentile is a well-known and reputable physician. This is in accordance with the first version of Rabbi Yoḥanan's statement, following the explanation of the Rif and Rashi. The Rosh and the *Tur* rule that it is also prohibited to accept minor medical treatments from a gentile, such as bloodletting, in accordance with the opinion of Rabbeinu Tam (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 155:1).

Perek **II**
Daf **28** Amud **a**

HALAKHA

The back of the hand or the back of the foot – גַּב הַיָּד וְגַב הָרֶגֶל: An affliction on the back of the hand or the top of the foot has the halakhic status of an internal affliction, and therefore one may desecrate Shabbat in order to treat it (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 2:5; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:6).

Burning fever – אִישְׁתָּא צְמִירְתָּא: One who has a severe fever or a fever that causes chills is considered to be suffering from an internal affliction. It is therefore permitted to desecrate Shabbat to treat him (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 2:5; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:7).

From the lips inward – מִן הַשָּׂפָה וְלִפְנִים: An affliction located inside one's body, i.e., from the lips inward, is assumed to be an affliction that poses a danger to his life. This applies only when one of the internal organs is damaged due to the affliction, but not when one is merely experiencing some form of internal discomfort (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 2:5; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:3).

Gums or teeth – כְּכֵי וְשִׁינַּי: One may desecrate Shabbat in order to treat any internal affliction from the lips inward, including the teeth. This is because Rabbi Eliezer's dilemma is left unresolved by the Gemara, and there is a *halakha* that one is lenient with regard to uncertainties involving life-threatening cases (Gra). However, teeth may be treated only if one experiences such severe pain that he cannot function properly (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 2:5; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:3 and *Mishna Berura* there).

One who is concerned about pain in his teeth, etc. – הַחוֹשֵׁשׁ בְּשִׁינָּיו וכו׳: One who has a toothache on Shabbat may not rinse his mouth with vinegar. It is permitted to sip and swallow the vinegar or to dip one's food in vinegar (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 21:24; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:32).

מַכָּה שֶׁל חָלָל – אֵין מִתְרַפְּאִין מֵהֶן. מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ: גַּב הַיָּד וְגַב הָרֶגֶל, דְּאָמַר רַב אַדָּא בַּר מַתָּנָה אָמַר רַב: גַּב הַיָּד וְגַב הָרֶגֶל הֲרֵי הֵן כְּמַכָּה שֶׁל חָלָל, וּמְחַלְּלִין עֲלֵיהֶן אֶת הַשַּׁבָּת.

internal injury,[N] **one may not be treated by them.** The Gemara asks: **What** is the difference **between** the two versions of Rabbi Yoḥanan's statement? **There is** a difference **between them** with regard to the case of one who was injured on **the back of the hand**[N] **or the back of the foot.**[H] **As Rav Adda bar Mattana says** that **Rav says:** Injuries to **the back of the hand and the back,** i.e., the top, **of the foot are like an internal injury, and one may desecrate Shabbat for** their treatment.

אָמַר רַב זוּטְרָא בַּר טוּבִיָּה אָמַר רַב: כָּל מַכָּה שֶׁצְּרִיכָה אוּמָּד – מְחַלְּלִין עָלֶיהָ אֶת הַשַּׁבָּת. אָמַר רַב שֵׁמֶן בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: וְהַאי אִישְׁתָּא צְמִירְתָּא – כְּמַכָּה שֶׁל חָלָל דְּמֵי, וּמְחַלְּלִין עָלֶיהָ אֶת הַשַּׁבָּת.

Rav Zutra bar Toviyya says that **Rav says:** With regard to **any injury that requires** a medical **evaluation** to determine whether or not it is fatal, **one may desecrate Shabbat for** its treatment. **Rav Shemen bar Abba says** that **Rabbi Yoḥanan says: And a burning fever**[H] **is similar to an internal injury, and** therefore **one may desecrate Shabbat for** its treatment.

מֵהֵיכָן מַכָּה שֶׁל חָלָל? פֵּירֵשׁ רַבִּי אַמִּי: מִן הַשָּׂפָה וְלִפְנִים. בָּעֵי רַבִּי אֱלִיעֶזֶר: כְּכֵי וְשִׁינַּי, מַאי? בְּיַן דְּאַקּוּשֵׁי נִיתְהוּ – כְּמַכָּה שֶׁל חָלָל דְּמוּ, אוֹ דִלְמָא כֵּיוָן דְּגַוַּאי קַיְימִי – כְּמַכָּה שֶׁל חָלָל דְּמוּ?

The Gemara inquires: **From what point** on the body is a wound considered **an internal injury? Rabbi Ami explained: From the lips inward.**[H] **Rabbi Eliezer raises a dilemma:** With regard to afflictions located in the **gums** [***kakhei***][N] **or teeth,**[H] **what** is the *halakha*? Do we say that **since they are** located in **firm** parts of the body, **they are similar to external injuries, or perhaps** we say that **since they are situated within** the mouth, **they are similar to internal injuries?**

אָמַר אַבַּיֵי, תָּא שְׁמַע: הַחוֹשֵׁשׁ בְּשִׁינָּיו לֹא יְנַמֵּעַ בָּהֶן אֶת הַחוֹמֶץ; חוֹשֵׁשׁ הוּא דְּלָא, הָא כָּאֵיב לֵיהּ טוּבָא – שַׁפִּיר דָּמֵי. דִּלְמָא תַּנָּא הֵיכָא דְּכָאֵיב לֵיהּ טוּבָא ״חוֹשֵׁשׁ״ נָמֵי קָרֵי לֵיהּ.

Abaye said: Come and **hear** a proof from a mishna (*Shabbat* 111a): **One who is concerned** about pain **in his teeth**[H] **may not sip vinegar through them** on Shabbat for medicinal purposes, as it is generally prohibited by rabbinic law to perform acts of healing on Shabbat. Abaye infers: **It is** only when he is merely **concerned** about pain in his teeth **that he may not** treat them, which indicates that if **it hurts him greatly,** it is **permitted** to seek treatment. The Gemara rejects this inference: **Perhaps** the ***tanna* also characterizes** a situation **where it hurts one greatly** as one of mere **concern.**

NOTES

Internal injury – מַכָּה שֶׁל חָלָל: Literally, this means: An affliction of the cavity. Rashi explains that this refers to any internal affliction, which is apparently the same as the interpretation in the Jerusalem Talmud. Others maintain that the phrase refers to any affliction located in one of the body's internal cavities, as opposed to one's limbs (see Rabbeinu Elḥanan). Yet others claim that both of these explanations are correct, i.e., this phrase refers to any affliction that is either internal, or opposite an internal cavity (Ra'ah).

There is a difference between them with regard to the back of the hand, etc. – אִיכָּא בֵּינַיְיהוּ גַּב הַיָּד וכו׳: According to the first version of Rabbi Yoḥanan's statement, one may not be treated by a gentile for an affliction on the back of the hand or top of the foot because these are afflictions for which one may desecrate Shabbat. According to the second version it is permitted, because these are external afflictions. The rationale for permitting one to seek medical attention from a gentile for external injuries is that such treatments can be observed by others and therefore one can prevent the gentile from harming the patient, as in the incident involving Rabbi Abbahu that will be discussed shortly (Rashi).

Gums [*kakhei*] – כְּכֵי: Although Rashi interprets this word as referring to the gums, most commentaries maintain that *kakhei* are molars, the large teeth used to grind food in the mouth. The Gemara uses the word: Teeth, to refer to the other teeth (*Tosafot*).

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תָּא שְׁמַע: רַבִּי יוֹחָנָן חָשׁ בְּצַפְדִּינָא, אֲזַל לְגַבֵּהּ דְּהַהִיא מַטְרוֹנִיתָא, עָבְדָה חַמְשָׁא וּמַעֲלֵי שַׁבְּתָא, אֲמַר לָהּ: לְמָחָר מַאי? אֲמָרָה לֵיהּ: לָא צְרִיכְתָּ. אִי צְרִיכְנָא מַאי? אֲמָרָה: אִשְׁתַּבַּע לִי דְּלָא מְגַלֵּית. אִישְׁתַּבַּע לָהּ: "לֵאלָהָא יִשְׂרָאֵל לָא מְגַלֵּינָא". גְּלָיֶיהּ לֵיהּ, לְמָחָר נְפַק דְּרָשָׁה בְּפִירְקָא.

The Gemara suggests a different proof: **Come** and **hear** the following incident: **Rabbi Yoḥanan suffered** from the illness ***tzafdina***,[L] which affects the teeth and gums. **He went to a certain** gentile **matron** who was a well-known healer. **She prepared** a medicine for him on **Thursday and Friday.** Rabbi Yoḥanan **said to her: What** shall I do **tomorrow,**[N] on Shabbat, when I cannot come to collect the medicine from you? **She said to him: You will not need** it. Rabbi Yoḥanan asked her: **If I do need** it, **what** shall I do? **She said to him: Take an oath to me that you will not reveal** the remedy, and I will tell you, so that you can prepare it yourself should you need it. Rabbi Yoḥanan **took an oath to her: To the God of the Jews, I will not reveal it. She revealed** the remedy **to him. On the following day** Rabbi Yoḥanan **went out and taught it publicly,**[N] revealing the secret of the remedy.

וְהָא אִישְׁתַּבַּע לָהּ! לֵאלָהָא דְּיִשְׂרָאֵל לָא מְגַלֵּינָא, אֲבָל לְעַמֵּיהּ יִשְׂרָאֵל מְגַלֵּינָא. וְהָאֵיכָא חִילּוּל הַשֵּׁם! דְּגַלֵּי לָהּ מֵעִיקָּרָא.

The Gemara challenges: **But** Rabbi Yoḥanan **took an oath to her** that he would not reveal her secret. The Gemara explains that his vow meant: **I will not reveal it to the God of the Jews,** which indicates: **But I will reveal it to His people, the Jews.** The Gemara challenges: **But** even so, **isn't there a desecration of God's name,** as the matron now thinks that a great man of Rabbi Yoḥanan's stature violated his vow? The Gemara answers **that he revealed** it **to her at the outset.** As soon as she disclosed the remedy to him, he informed her that his vow would not prevent him from publicizing it.

אַלְמָא כְּמַכָּה שֶׁל חָלָל דָּמְיָא! אֲמַר רַב נַחְמָן בַּר יִצְחָק: שָׁאנֵי צַפְדִּינָא, הוֹאִיל וּמַתְחִיל בַּפֶּה וְגוֹמֵר בִּבְנֵי מֵעַיִם.

With regard to the issue at hand, the Gemara infers: **Apparently,** an affliction that affects the gums **is similar to an internal injury,** as it was permitted for Rabbi Yoḥanan to prepare the remedy on Shabbat. **Rav Naḥman bar Yitzḥak said: *Tzafdina* is different, since it begins in the mouth, and ends in the intestines,** i.e., the disease spreads until it infects one's intestines, and therefore it is considered an internal affliction even while it is only in the mouth. Consequently, the incident involving Rabbi Yoḥanan affords no proof, and Rabbi Eliezer's dilemma remains unresolved.

מַאי סִימָנֵיהּ? רָמֵי מִידֵּי בֵּי כְּכֵי וּמַיְיתֵי דָּמָא מִבֵּי דָּרֵי. מִמַּאי הָוֵי? מִקְּרִירֵי קְרִירֵי דְּחִישֵׁי, וּמֵחֲמִימֵי חֲמִימֵי דְּשַׁעֲרֵי, וּמִשִּׁיּוּרֵי כָּסָא דְּהַרְסָנָא. מַאי עֲבָדָא לֵיהּ? אֲמַר רַבִּי אַחָא בְּרֵיהּ דְּרָבָא: מֵי שְׁאוֹר וְשֻׁמָּן זַיִת וּמֶלַח; וּמָר בַּר רַב אַשִׁי אֲמַר: מִשְׁחָא דְּאָוָזָא בְּגִדָּפָא דְּאָוָזָא.

The Gemara inquires: **What are the symptoms of** *tzafdina*? If **one places an item**[B] **between** his **teeth, blood flows from the rows** of teeth. **From what does it** result? It results **from** the consumption of **very cold**[B] **wheat** foods, **and from very hot barley** foods, **and from remains of fried fish** [***kasa deharsena***].[L] With **what** remedy **did** the gentile matron **treat** Rabbi Yoḥanan? **Rabbi Aḥa, son of Rava, said:** It was **water** in which **leaven** was steeped, **olive oil, and salt. And Mar bar Rav Ashi said:** She smeared **goose fat** over his gums **with a goose feather.**[N]

אֲמַר אַבָּיֵי: אֲנָא עֲבַדִי כּוּלְּהוּ וְלָא אִיתַּסְאִי, עַד דַּאֲמַר לִי הַהוּא טַיָּיעָא: אַיְיתֵי קַשְׁיָתָא דְּזֵיתָא דְּלָא מְלוּ תִּילְתָא, וּקְלֵינְהוּ אַמָּרָא חַדְתָּא וְדָבֵיק בֵּיהּ דְּדָרֵי, וְעֲבַדִי הָכִי וְאִיתַּסְאִי.

Abaye said: I prepared all of these medicines **and was not cured** from this ailment **until a certain Arab told me** the remedy for it: **Take olive seeds that are less than one-third ripe, and burn them** in a fire **on top of a new hoe, and stick them along the row** of gums. **I did this and was cured.**

וְרַבִּי יוֹחָנָן הֵיכִי עָבֵיד הָכִי? וְהָאָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: כָּל מַכָּה שֶׁמְּחַלְּלִין עָלֶיהָ אֶת הַשַּׁבָּת – אֵין מִתְרַפְּאִין מֵהֶן! אָדָם חָשׁוּב שָׁאנֵי.

§ It was stated above that Rabbi Yoḥanan sought the medical attention of a gentile. The Gemara asks: **And how could Rabbi Yoḥanan do so? But doesn't Rabba bar bar Ḥana say** that **Rabbi Yoḥanan says:** With regard to **any injury for which Shabbat is desecrated, one may not be treated by** gentiles. *Tzafdina* is a disease for which Shabbat is desecrated, and yet Rabbi Yoḥanan was treated by a gentile. The Gemara answers: **An important person** such as Rabbi Yoḥanan **is different,** as gentiles would not dare to kill him.

וְהָא רַבִּי אַבָּהוּ דְּאָדָם חָשׁוּב הֲוָה, וּרְמָא לֵיהּ יַעֲקֹב מִינָּאָה סַמָּא אַשָּׁקְיֵהּ, וְאִי לָא רַבִּי אַמִּי וְרַבִּי אַסִּי דְּלַחֲכוּהוּ לְשָׁקֵיהּ פְּסָקֵיהּ לְשָׁקֵיהּ!

The Gemara questions this: **But Rabbi Abbahu was an important person, and** yet **Ya'akov the heretic placed upon his leg a salve** that was actually a poison. **And if** it were **not** for **Rabbi Ami and Rabbi Asi, who licked his leg**[B] to remove the poison, **his leg** would have had to be **amputated.** Apparently, Ya'akov the heretic attempted to kill Rabbi Abbahu despite the fact that Rabbi Abbahu was an important person.

LANGUAGE

Tzafdina – **צַפְדִּינָא**: Some commentaries explain that this term originates from the Greek σηπεδών, *sēpedon*, meaning decay. Others associate it with the root *tzadi, peh, dalet,* which means contraction or compression. The descriptions in the Talmud indicate that *tzafdina* is a name for scurvy, which occurs due to a vitamin C deficiency. Symptoms include weakening of the gums, loss of teeth, internal bleeding, and anemia.

Fried fish [***kasa deharsena***] – **כָּסָא דְּהַרְסָנָא**: This was a dish often consumed in Babylonia, particularly by the poor. It was comprised primarily of small fish fried with flour and vinegar. The origin of the word *harsena* is not clear, but it is possibly associated with the Syriac term harsena, which refers to a type of fish that dwells in the cavities of submerged rocks.

NOTES

What shall I do tomorrow – **לְמָחָר מַאי**: Since Rabbi Yoḥanan would teach in the study hall on Shabbat, he was reluctant to neglect his students and travel to the matron (Rashi).

Taught it publicly – **דְּרָשָׁה בְּפִירְקָא**: Rabbi Yoḥanan reasoned that as this knowledge contained the potential to save lives, it was permitted for him to obtain and teach it even by deceptive means (see Responsa *Ḥavvot Ya'ir* 69).

With a goose feather – **בְּגִדָּפָא דְּאָוָזָא**: Here Rashi explains that she used a goose feather to smear goose fat over his gums. On *Yoma* 84a he states that the remedy included fat from the bone marrow of a goose wing (see *Or Zarua*, citing Rashbam).

BACKGROUND

One places an item – **רָמֵי מִידֵּי**: Swelling of the gums and bleeding caused by minor pressure are two easily identifiable symptoms of *tzafdina*.

Very cold – **מִקְּרִירֵי קְרִירֵי**: A diet that is comprised exclusively of grain-based foods and fish is likely to lead to a severe depletion of vitamin C in one's body, which is the primary cause of *tzafdina*.

Who licked his leg – **דְּלַחֲכוּהוּ לְשָׁקֵיהּ**: Apparently, Rabbi Abbahu was suffering from an open wound on his leg, which Ya'akov the heretic attempted to infect with a poison that would have spread throughout the bloodstream. Many poisons, such as snake venom, are effective only when administered directly to the bloodstream, but are not harmful when swallowed because they are neutralized in the stomach. For this reason, Rabbi Ami and Rabbi Asi were able to extract the poison from the wound orally.

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דְּרַבִּי יוֹחָנָן רוֹפֵא מוּמְחֶה הָוֶה. דְּרַבִּי אַבָּהוּ נַמִּי רוֹפֵא מוּמְחֶה הָוֶה! שָׁאנֵי רַבִּי אַבָּהוּ, דְּמוֹקְמֵי בֵּיהּ מִינֵי בְּנַפְשַׁיְיהוּ "תָּמוֹת נַפְשִׁי עִם פְּלִשְׁתִּים".

The Gemara explains: The healer **of Rabbi Yoḥanan was an expert physician**[H] who would not jeopardize her reputation by harming him. The Gemara rejects this explanation: But the healer **of Rabbi Abbahu was also an expert physician.** The Gemara answers: The case involving **Rabbi Abbahu is different, as heretics establish within themselves** the attitude of: **"Let me die with the Philistines"** (Judges 16:30), i.e., heretics are willing to risk their lives in order to hurt Jews, due to their religious disputes. By contrast, gentiles will not jeopardize their own reputation for this purpose, and therefore it was permitted for Rabbi Yoḥanan to be treated by the matron.

אָמַר שְׁמוּאֵל: הַאי פִּדְעְתָּא – סַכָּנְתָא הִיא, וּמְחַלְּלִין עָלֶיהָ אֶת הַשַּׁבָּת. מַאי אָסוּתָא? לְמִיפְסַק דָּמָא – תַּחְלֵי בְּחַלָּא, לְאַסּוּקֵי – גְּרָדָא דְּיַבְלָא וְגִירְדָא דְּאַסְנָא, אוֹ נִיקְרָא מִקִּילְקָלְתָּא.

§ The Gemara lists a series of afflictions and their remedies. **Shmuel said: This gash**[H] caused by a sword **is** considered **a danger** to one's life, **and one may desecrate Shabbat for** its treatment. The Gemara asks: **What** is **the remedy** for this wound? To **stop the blood** flow one should consume **cress** soaked **in vinegar.**[N] To cause flesh **to emerge** over the gash, one applies a salve made of ***yavla* scrapings**[N] **and thornbush scrapings, or** a salve made from **the worms of the trash.**[N]

אָמַר רַב סָפְרָא: הַאי עִינְבְתָּא – פַּרְוָונְקָא דְּמַלְאָכָא דְּמָוְתָא הִיא. מַאי אָסוּתָא? טִיגְנָא בִּדְבוּשָׁא אוֹ כַּרְפְּסָא בְּטִילְיָא. אַדְּהָכִי וְהָכִי, לֵיתֵי עִינְבְתָּא בַּת מִינָּא וְנִיגַּנְדַּר עִילָּוֵי, חִיוְרְתֵּי לְחִיוְרְתֵּי וְאוּכְּמְתֵּי לְאוּכְּמְתֵּי.

Rav Safra said: These grapelike boils **are the forerunners** [*parvanka*][L] **of the Angel of Death,** i.e., they often precede one's death. The Gemara asks: **What is the remedy?** The remedy is either **a *tigna***[N] plant soaked **in honey or parsley** soaked **in wine. In the meantime,** while the plants are soaking, one **should bring a grape of the same size and rub it on** the boil, **a white** grape **for a white** boil, **and a black** grape **for a black** boil.

אָמַר רָבָא: הַאי סִימְטָא – פַּרְוָונְקָא דְּאִשְׁתָּא הִיא. מַאי אָסוּתָא? לְמִתְּיֵיהּ שִׁיתִּין אִיתְקוּטְלֵי, וְלִיקְרְעֵיהּ שְׁתֵּי וָעֶרֶב. וְהָנֵי מִילֵּי דְּלָא חִיוַּר רֵישֵׁיהּ, אֲבָל חִיוַּר רֵישֵׁיהּ לֵית לָן בָּהּ.

Rava said: This abscess [*simta*][L] **is the forerunner of fever.** The Gemara asks: **What** is **the remedy?** One **should snap** [*itkutlei*][L] the boil **sixty times** with his fingers, i.e., click one's fingers on the boil, **and** then he **should tear it vertically and horizontally.** The Gemara comments: **And this statement** applies only in a case **where the head of** the abscess **has not whitened, but** if **its head has whitened, we have no** problem **with it,** i.e., it is in the process of healing, and it does not pose any danger.

רַבִּי יַעֲקֹב חָשׁ

Rabbi Ya'akov suffered

HALAKHA

Expert physician – רוֹפֵא מוּמְחֶה: One may accept treatment for a life-threatening affliction from a gentile who is a reputable physician (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 155:1).

This gash – הַאי פִּדְעְתָּא: One may desecrate Shabbat to treat a wound caused by iron, in accordance with the explanation of Rashi and the Ran (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:7).

NOTES

Cress soaked in vinegar – תַּחְלֵי בְּחַלָּא: Rashi states that the patient drinks cress soaked in vinegar. A slightly different version of the text reads: A spice soaked in vinegar. The Rashbam interprets this to mean that one rubs a vinegar-soaked spice, such as pepper or cumin, over the wound (*Or Zarua*; see Rabbeinu Elḥanan).

***Yavla* scrapings – גְּרָדָא דְּיַבְלָא:** Rashi states that one scrapes off the roots of a *yavla* plant and places them upon the wound. The Rashbam explains that *yavla* refers to material that is scraped from worn clothing (*Or Zarua*).

Worms of the trash – נִיקְרָא מִקִּילְקָלְתָּא: Rashi explains that this is a reference to the worms that chickens eat from the trash. Alternatively, it means dung found in a trash heap (Rabbeinu Ḥananel).

***Tigna* – טִיגְנָא:** Rashi explains that this is a kind of plant. According to others it refers to any substance that is fried in honey (*Or Zarua*, citing Rashbam).

LANGUAGE

Forerunners [*parvanka*] – פַּרְוָונְקָא: This word derives from the Middle Iranian term parwānak, which means a guide or messenger.

Abscess [*simta*] – סִימְטָא: Some commentaries claim that this is from the Greek σημάτιον, *sēmation*, which is a minor form of σημασία, *sēmasia*, a mark on the skin that indicates the decisive appearance of a disease. In the Septuagint this word is used as the translation for the biblical disease known as *tzara'at*, commonly rendered as leprosy.

Snap [*itkutlei*] – אִיתְקוּטְלֵי: Apparently from the Greek σκυτάλη, *skutalē*, or the minor form σκυταλίς, *skutalis*, both of which mean a small stick or a joint. The Gemara uses this term in reference to sharp strikes delivered by the small joints of the fingers.

Perek **II**
Daf **28** Amud **b**

בְּפִיקְעָא, אוֹרֵי לֵיהּ רַבִּי אַמִּי, וְאָמְרִי לָהּ רַבִּי אַסִּי אוֹרֵי לֵיהּ: לֵיתֵי שַׁב בִּינֵי אַהֲלָא תּוֹלָנָא, וְצֵייר לֵיהּ בַּחֲלָא דְּבֵי צוֹאֲרָא, וְלִיכְרֵיךְ עִילָּוֵיהּ נִירָא בַּרְקָא, וְטָמֵישׁ לֵיהּ בְּנָטְפָא חִיוָּרָא, וְלִיקְלֵיהּ וּבָדַר לֵיהּ עִילָּוֵיהּ. אַדְּהָכִי וְהָכִי, לֵיתֵי קַשְׁיָתָא דְּאַסְנָא, לֵינַח פִּיקְעָא לַהֲדֵי פִּיקְעָא.

from hemorrhoids. Rabbi Ami instructed him,[N] **and some say** that **Rabbi Asi instructed him** that he **should bring seven seeds of ice plant**[B] that are red like **a worm and bind them in the collar** of a shirt, **and** then he **should wrap a strip of hair around it, and dip** the bundle **in white naphtha and** he **should burn it and spread** the ashes **upon** the sores. **In the meantime,** he **should bring the kernel of a bramble** [*asna*][L] fruit and **place** its **crevice against** his own **crevice,** i.e., the anus.

NOTES

Instructed him – אוֹרֵי לֵיהּ: Rashi explains that Rabbi Ami was providing Rabbi Ya'akov with general medical advice, unrelated to Shabbat. Others maintain that Rabbi Ami recognized this as a life-threatening affliction and instructed Rabbi Ya'akov with regard to its treatment on Shabbat (*Or Zarua*).

LANGUAGE

Bramble [*asna*] – אַסְנָא: According to the *Arukh* this is a kind of date. A similar term exists in Assyrian for a certain kind of palm tree.

BACKGROUND

Ice plant – אַהֲלָא: The *Mesembryanthemum crystallinum* is an annual plant that grows in the Judean foothills and the Sharon region of Eretz Yisrael, among stones and walls facing the sea. Its many bladder cells give the plant a sparkling appearance, leading to its common name of the ice plant. Its leaves contain a considerable amount of soda and can be used as a substitute for soap when crushed.

Crystalline ice plant

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וְהָנֵי מִילֵּי פִּיקְעָא עִילָּאָה, פִּיקְעָא תַּתָּאָה מַאי? לֵימְתֵי תַּרְבָּא דְּצִפּוֹרְתָּא דְּלָא אִפַּתַּח, וְלִיפְשַׁר וְלִישְׁדֵי בֵּיהּ.

The Gemara remarks: **And this matter** applies only to the **upper crevice,** which is located at the outer edge of the anus and can be treated with bramble fruit. **What** should one do if he is experiencing pain in the **lower crevice,** located deeper within the rectum? He **should bring the fat of a goat that has not** yet **opened,** i.e., given birth, **and** he **should melt** it **and** then he **should apply** it **to** the irritated area.

וְאִי לָא, לֵימְתֵי תְּלָת טַרְפָּא קָרָא דְּמִייבְּשִׁי בְּטוּלָּא, וְלֵיקְלֵי וְלִיבַּדַּר עִילָּוֵיהּ. וְאִי לָא, לֵימְתֵי מַשְׁקַדֵּי חֲלְוּזֵי. וְאִי לָא, מַיְיתֵי מְשַׁח קִירָא, וְלֵינְקוֹט בְּשַׁחֲקֵי דְּכִיתָּנָא בְּקֵיטָא, וְדַעֲמַר גּוּפְנָא בְּסִיתְוָא.

And if this is **not** possible, he **should bring three pumpkin leaves that** were **dried in the shade and** he **should burn** them, **and** then he **should spread** the ashes **upon** the irritated area. **And if** this is **not** possible, he **should bring snail shells** instead. **And if** this is also **not** possible, he should **bring oil** mixed with **wax** [*kira*]L **and** he **should smear** it **upon worn flax** clothing **in summer, or** worn **cotton** clothing **in winter,** and place it upon the irritated area.

רַבִּי אַבָּהוּ חָשׁ בְּאוּדְנֵיהּ, אוֹרֵי לֵיהּ רַבִּי יוֹחָנָן, וְאָמְרִי לֵיהּ בֵּי מִדְרָשָׁא, מַאי אוֹרֵי לֵיהּ? כִּי הָא דַּאֲמַר אַבַּיֵי, אָמְרָה לִי אֵם: לָא אִיבְּרִי כּוּלְיָיתָא אֶלָּא לְאוּדְנָא. וַאֲמַר רָבָא, אָמַר לִי מִנְיוּמִי אָסְיָא: כּוּלְּהוּ שַׁקְיָינוּ קָשׁוּ לְאוּדְנָא לָבַר מִמַּיָּא דְּכוּלְיָיתָא, לֵימְתֵי כּוּלְיָיתָא דִּבְרֵיתָא קַרְחָא, וְלִיקְרְעֵיהּ שְׁתֵּי וָעֵרֶב וְלִינַח אַמַּלְלָא דִּנּוּרָא, וְהָנְהוּ מַיָּא דְּנָפְקִי מִינֵּיהּ לִישְׁדִינְהוּ בְּאוּדְנָיָא, לָא קָרֵירִי וְלָא חֲמִימֵי אֶלָּא פְּשׁוּרֵי.

Rabbi Abbahu suffered from pain **in his ear. Rabbi Yoḥanan instructed him, and some say** that other Sages from **the study hall** instructed him, how to heal it. The Gemara asks: **What did they instruct him?** They told him to act in a fashion **similar to that which Abaye said: My mother told me** that the **kidney was created only for the ear,** i.e., it can be extremely beneficial to the ear. **And Rava said: Minyumi the physician said to me: All liquids are harmful to the ear except for the fluid of the kidneys.** Therefore, Rabbi Abbahu **should bring the kidney of a bald goat** [*barḥa*]LN **and tear it vertically and horizontally and** then **place it upon dimming coals. And** as for **those fluids that issue from it,** he **should apply them to his ear** while they are **neither cold nor hot, but tepid.**

וְאִי לָא, לֵימְתֵי תַּרְבָּא דְּחִיפּוּשְׁתָּא גַּמְלָנִיתָא, וְלִיפְשַׁר וְלִישְׁדֵי בֵּיהּ. וְאִי לָא, לִמְלֵייהּ לְאוּדְנֵיהּ מִישְׁחָא, וְלֵיעֲבַד שַׁב פְּתִילָתָא דְּאַסְפַּסְתָּא, וְלֵיתֵי שׁוּפְתָּא דִּתּוּמְּא, וְלִיתּוּב בַּרְקָא בְּחַד רֵישָׁא וְלִיתְלֵי בְּהוּ נוּרָא, וְאִידָּךְ רֵישָׁא מוֹתְבָא בְּאוּדְנָא, וְלִיתּוּב אוּדְנֵיהּ לַהֲדָא נוּרָא, וְיִזְדַּהַר מִזִּיקָא, וְנִישְׁקוֹל חֲדָא וּנְנַח חֲדָא.

The Gemara adds: **And if** this is **not** possible, he **should bring the fat of a large beetle and melt** it **and apply** it **to** the ear. **And if not,** he **should fill his ear with oil and prepare seven wicks** made **of alfalfa** [*aspasta*]L **and bring dried garlic ends, and tie** the ends to the wicks **with a strip of hair at one end, and set** the wicks **aflame. And** he should **place the other end** of each wick **in** his **ear** one at a time, **and place his ear opposite the flame.** Parenthetically, the Gemara notes: **And he should be cautious of drafts** and avoid them, as they will harm his ear. The Gemara continues: **And** he should **take one** wick **and remove one** wick, i.e., replace each wick as it is consumed until all seven have been used.

לִישָׁנָא אַחֲרִינָא: וְאִי לָא, לֵימְתֵי שַׁב פְּתִילָתָא בִּיקָרָא וְשָׁיֵיף לֵיהּ מִישְׁחָא דְּאַסְפַּסְתָּא, וְנֵייתֵי חַד רֵישָׁא בְּנוּרָא וְחַד רֵישָׁא בְּאוּדְנֵיהּ, וְנִשְׁקוֹל חֲדָא וּנְנַח חֲדָא, וְיִזְדַּהַר מִזִּיקָא.

The Gemara presents **another version** of this remedy: **And if not,** he **should bring seven wicks of wax tapers and smear them** with **alfalfa oil, and place one end** of each wick **in the flame and one end in his ear, and take one** wick **and remove one** wick. **And** again **he should be cautious of drafts.**

וְאִי לָא, לֵימְתֵי אוּדְרָא דְּנַדָּא דְּלָא מִשְׁקִיף וּנְנַח בָּהּ, וְלִתְלֵייהּ לְאוּדְנֵיהּ לַהֲדֵי נוּרָא, וּמִזְדַּהַר מִזִּיקָא. וְאִי לָא, לֵימְתֵי גּוּבְתָּא דְּקַנְיָא עַתִּיקָא בַּר מְאָה שְׁנִין וְלִימְלְחֵיהּ מִילְחָא גְּלָלְנִיתָא, וְלִקְלֵי וְלִידַבֵּק. וְסִימָנָךְ: רְטִיבָא לִיבָּשְׁתָּא וְיָבְשָׁתָא לְרְטִיבָא.

And if this is **not** possible, he **should bring fiber that was dried** but **not combed and place it in** his ear, **and** then **bring his ear opposite the flame. And he should be cautious of drafts. And if not,** he **should bring the tube of an aged reed** that is **one hundred years old,** i.e., that has been detached from the ground for a century, **and salt it** with **rock salt and** then **burn** it **and stick** it in his ear. The Gemara adds: **And your mnemonic** to remember these remedies is this: **Moist** cures are prescribed **for dry** afflictions,N **and dry** cures are prescribed **for moist** afflictions.

אָמַר רַבָּה בַּר זוּטְרָא אָמַר רַבִּי חֲנִינָא: מַעֲלִין אָזְנַיִם בְּשַׁבָּת. תָּנֵי רַב שְׁמוּאֵל בַּר יְהוּדָה: בְּיָד אֲבָל לֹא בְּסַם. אִיכָּא דְּאָמְרִי: בְּסַם אֲבָל לֹא בְּיָד. מַאי טַעְמָא? מִזְּרִיף זָרִיף.

§ The Gemara returns to the issue of medical treatment on Shabbat. **Rabba bar Zutra says** that **Rabbi Ḥanina says: One may raise** his **ears**HB to their appropriate position, i.e., set his dislocated jaw, **on Shabbat. Rav Shmuel bar Yehuda teaches:** This applies only if one raises it **by hand, but not by means of medicine. There are** those **who say** the opposite: One may raise his ears **by means of medicine, but not by hand. What is the reason** that one may not manually raise the ear? It is because doing so might **injure** [***zareif***]L the ear, which would constitute a violation of Torah law, whereas applying medicine is a violation of rabbinic law.

LANGUAGE

Wax [*kira*] – **קִירָא:** Either from the Greek κῆρος, *kēros*, or the Latin cera, both of which mean wax.

Goat [*barḥa*] – **בִּרְחָא:** This refers specifically to a male goat, also known as a buck.

Alfalfa [*aspasta*] – **אַסְפַּסְתָּא:** This word derives from the Middle Persian aspast, meaning fodder for horses.

Injure [*zareif*] – **זָרִיף:** Some explain that this is an Aramaic term meaning the formation of a wound or a crevice. Accordingly, the Gemara is saying that raising the ear manually may cause the affliction to intensify rather than heal.

NOTES

Bald goat – **בִּרְחָא קַרְחָא:** That is, a goat which is not heavily covered in hair in the manner of sheep (Rashi).

Moist cures are prescribed for dry afflictions – **רְטִיבָא לִיבָּשְׁתָּא:** Rashi explains that this is a principle with regard to the ear: For any ailment that causes fluid to issue from the ear, one implements one of the dry cures mentioned in the Gemara; with regard to any ailment that does not cause fluid to flow from the ear, one uses one of the aforementioned moist cures.

HALAKHA

One may raise his ears – **מַעֲלִין אָזְנַיִם:** One may manually set a dislocated jaw in its proper position on Shabbat, in accordance with the first version of Rav Shmuel bar Yehuda's statement. The Gra maintains that this is also the *halakha* according to the second version of Rav Shmuel bar Yehuda's statement (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:43).

BACKGROUND

One may raise his ears – **מַעֲלִין אָזְנַיִם:** As Rashi explains, this refers to a situation in which the lower jaw has been dislocated and must be set back in its place. Since the temporomandibular joint is situated near the ear, the process of setting the jaw in its proper position is called raising the ears.

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אָמַר רַב זוּטְרָא בַּר טוֹבִיָּה אָמַר רַב: עַיִן שֶׁמָּרְדָה – מוּתָּר לְכוֹחֲלָהּ בְּשַׁבָּת. סְבוּר מִינֵּיהּ: הָנֵי מִילֵּי הוּא דְּשַׁחֲקִי סַמָּנִין מֵאֶתְמוֹל, אֲבָל מְשַׁחַק בְּשַׁבָּת וַאֲתוּיֵי דֶּרֶךְ רְשׁוּת הָרַבִּים לָא; אֲמַר לֵיהּ הַהוּא מַרְבָּנָן וְרַבִּי יַעֲקֹב שְׁמֵיהּ: לְדִידִי מִיפַּרְשָׁא מִינֵּיהּ דְּרַב יְהוּדָה – אֲפִילּוּ מְשַׁחַק בְּשַׁבָּת וְאַתְוֵי דֶּרֶךְ רְשׁוּת הָרַבִּים, מוּתָּר.

Rav Zutra bar Toviyya says that **Rav says:** With regard to **an eye that rebelled,**[NH] i.e., which is apt to pop out of its socket, it **is permitted to apply blue eye shadow**[B] to **it on Shabbat.** The Sages initially **concluded from this** that **this statement** applies[N] only **where one had** already **ground the ingredients yesterday,** i.e., on Shabbat eve, **but** if he planned to **grind** them **on Shabbat, or** to **bring** them **through a public domain,** it would **not** be permitted, as this would constitute a desecration of Shabbat by Torah law. To dispel this notion, **one of the Sages, named Rabbi Ya'akov, said to** them: This matter **was explained to me by Rav Yehuda,** who said that **even** if **he** plans to **grind** the ingredients **on Shabbat and bring** it **through a public domain,** it **is permitted.**

רַב יְהוּדָה שָׁרֵא לְמִיכְחַל עֵינָא בְּשַׁבָּת. אֲמַר לְהוּ רַב שְׁמוּאֵל בַּר יְהוּדָה: מַאן צָיֵית לִיהוּדָה מַחֵיל שַׁבֵּי! לְסוֹף חָשׁ בְּעֵינֵיהּ, שְׁלַח לֵיהּ: שָׁרֵי אוֹ אֲסִיר? שְׁלַח לֵיהּ: לְכוּלֵּי עָלְמָא שָׁרֵי, לְדִידָךְ אֲסִיר,

The Gemara relates that **Rav Yehuda permitted** someone **to apply blue eye shadow** to the **eye on Shabbat. Rav Shmuel bar Yehuda said to** the Sages: **One who adheres to** the ruling of **Yehuda desecrates Shabbat. Ultimately,** Rav Shmuel bar Yehuda himself **suffered** pain **in his eye. He sent** a message **to** Rav Yehuda, asking: Is it **permitted or prohibited** for me to treat my eye on Shabbat? Rav Yehuda **sent** back **to him: For everyone** else, it **is permitted; for you,** it **is prohibited,**[N] as you treated my lenient ruling with disdain.

וְכִי מִדִּידִי הוּא? דְּמָר שְׁמוּאֵל הִיא! הַהִיא אַמְתָּא דַּהֲוַאי בֵּי מָר שְׁמוּאֵל דְּקָדְחָא לָהּ עֵינָא בְּשַׁבְּתָא, צַוְוחָא וְלֵיכָּא דְּאַשְׁגַּח בָּהּ, פָּקְעָא עֵינָא. לְמָחָר נְפַק מָר שְׁמוּאֵל וְדָרַשׁ: עַיִן שֶׁמָּרְדָה – מוּתָּר לְכוֹחֲלָהּ בְּשַׁבָּת; מַאי טַעְמָא? דְּשׁוּרַיְיהוּ דְּעֵינָא בְּאוּבְנְתָא דְּלִיבָּא תָּלוּ.

Rav Yehuda continues: **But was it of my** own accord that I issued this ruling? **It is** the ruling **of Mar Shmuel,** as demonstrated in the following incident: There was **a certain maidservant who was in the house of Mar Shmuel whose eye became infected on Shabbat. She screamed** in pain, **but there was no one who attended to her.** Eventually, **her eye popped** out of its socket. **The next day, Mar Shmuel went out and taught:** With regard to **an eye that rebelled,** it **is permitted to apply blue eye shadow to it on Shabbat. What is the reason** for this leniency, seeing as one may desecrate Shabbat only to treat life-threatening afflictions? The reason is **that the tendons** [*shuraynei*][L] **of the eye**[NB] **are dependent upon the valves of the heart.**

כְּגוֹן מַאי? אֲמַר רַב יְהוּדָה: כְּגוֹן רִירָא, דִּיצָא, דָּמָא, דִּימְעָתָא, וְקִידְחָא, וּתְחִלַּת אוּכְלָא; לְאַפּוֹקֵי סוֹף אוּכְלָא וּפַצּוּחֵי עֵינָא, דְּלָא.

The Gemara asks: **What** ailment of the eye, **for example,** is considered life-threatening? **Rav Yehuda said: For example,** any of the following: Abnormal **discharge;** the sensation of **pricking; blood** flow from the eye; excessive **tearing; and inflammation; and the onset of infection.** This list serves **to exclude the final** stages of a waning **infection**[N] that is mostly healed, **and the opening of the eye,** i.e., treatment administered to improve one's eyesight, **which** are **not** life-threatening and therefore one is not permitted to treat them on Shabbat.

אָמַר רַב יְהוּדָה: זִיבּוּרָא, וּדְחַרְזֵיהּ סִילְוָא, וְסַמְטָא, וּדְכָאִיב לֵיהּ עֵינָא, וְאָתֵי עִילְּוֵיהּ אִישְׁתָּא – כּוּלְּהוּ בֵּי בְּנֵי סַכַּנְתָּא. חַמָּה לְחַמָּה וְסִילְקָא לְצִינָּא, וְחִילּוּפָּא סַכַּנְתָּא. חֲמִימֵי לְעַקְרַבָּא וּקְרִירֵי לְזִיבּוּרָא, וְחִילּוּפָּא סַכַּנְתָּא. חֲמִימֵי לְסִילְוָא וּקְרִירֵי

Rav Yehuda says: With regard to one who suffers from the sting of **a hornet, or the prick of a thorn** [*silva*],[L] **or an abscess, or one whose eye pains him, or** one **overcome by a fever,** bathing in **a bathhouse is** a life-threatening **danger** for **all of these.** Additionally, eating **radish** [*ḥamma*][L] is good **for a fever** [*ḥamma*], **and** eating **beets** [*silka*] is good **for chills** [*tzina*], **but the reverse,** i.e., eating radish when one has chills or beets when one has a fever, poses **a danger.** Similarly, eating **hot** foods is good **for** the sting of **a scorpion, and cold** foods are good **for a hornet** sting, **but the reverse** poses **a danger. Hot** water is good **for a thorn**[N] embedded in one's skin, **and cold** water is good

NOTES

An eye that rebelled – עַיִן שֶׁמָּרְדָה: Rashi explains that this refers to an eye that is close to bursting out of its socket, much like a rebellious person seeking to escape his surroundings. Others explain that the Gemara is referring to a condition in which excess

They concluded from this that this statement applies, etc. – סְבוּר מִינֵּיהּ הָנֵי מִילֵּי וכו': Rav Zutra bar Toviyya thought that this affliction was not life-threatening and therefore one may not perform a labor on Shabbat that is prohibited by Torah law in order to treat this ailment. By contrast, as applying medication is prohibited by rabbinic decree, it stands to reason that it is permitted to do so in a situation where one's eyesight is threatened. fluids escape from the eye (Rabbeinu Ḥananel).

For you it is prohibited – לְדִידָךְ אֲסִיר: Since Rav Shmuel bar Yehuda initially rejected Rav Yehuda's ruling, he cannot subsequently accept it in his time of need. Consequently, Rav Yehuda permits all people to act leniently in accordance with his ruling, except for Rav Shmuel bar Yehuda.

The tendons of the eye, etc. – שׁוּרַיְיהוּ דְּעֵינָא וכו': Rashi states that eyesight is related to and dependent upon the valves of the heart. Others explain this expression metaphorically: What the eye perceives is dependent upon the understanding of the heart (*Tosafot*; Rabbeinu Elḥanan). In other words, one is able to see only that which his heart comprehends. In any case, most commentaries maintain that the Gemara is intending to convey that there is a life-threatening danger involved here, and therefore one may desecrate Shabbat in order to treat an affliction of this kind.

To exclude the final stages of a waning infection – לְאַפּוֹקֵי סוֹף אוּכְלָא: One may not perform a labor on Shabbat that is prohibited by Torah law in order to treat an affliction that is not life-threatening, even if he is experiencing pain and discomfort.

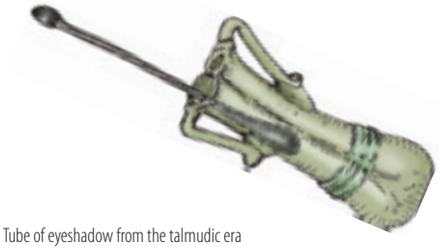
Hot water is good for a thorn – חֲמִימֵי לְסִילְוָא: Rashi explains that the word: Hot, refers to hot water; others write that the Gemara is referring to hot foods (Rabbeinu Ḥananel).

HALAKHA

An eye that rebelled – עַיִן שֶׁמָּרְדָה: One may desecrate Shabbat in order to treat an eye that is emitting excessive tears or blood, or which is severely infected, in accordance with the opinion of Shmuel (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 2:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:9).

BACKGROUND

To apply blue eye shadow – לְכוֹחֲלָהּ: The blue eye shadow in common use during talmudic times possessed certain medicinal properties, due to the antimony it contained. Eye shadow was applied by means of a special brush called a *makḥol*; accordingly, the act of its application is called *keḥila*.



Tube of eyeshadow from the talmudic era

The tendons of the eye – שׁוּרַיְיהוּ דְּעֵינָא: The faculty of sight is directly related to the brain, and the eye can in fact be considered part of the brain. Therefore, the eyes are connected to the central source of life in the body, referred to by the Gemara as the heart. An infection that has spread within the eyes may result not only in permanent blindness, but can also affect the brain.

LANGUAGE

Tendons [*shuraynei*] – שׁוּרַיְיהוּ: Apparently from the Akkadian sher'ānu, meaning tendons.

Thorn [*silva*] – סִילְוָא: The definition of this word is the same as the Arabic سلاء, *sullā'*, which refers to the thorns of a palm tree. These are small leaves that harden with time until they become sharp thorns that can inflict considerable pain when touched. Apparently, this term is related to the word *sol* in the language of the Mishna, and is possibly be connected to the biblical *salon* (Ezekiel 2:6; 28:24), which also refers to a piercing thorn.

Radish [*ḥamma*] – חַמָּה: Apparently from the Syriac ḥama, a long radish similar in taste to a turnip.

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לְחַסְפַּנִיתָא, וְחִילּוּפָא סַכָּנְתָא.

for facial wounds,[N] **but the reverse** presents **a danger.**

חַלָּא לְסִיבּוּרֵי וּמוּנֵּי לְתַעֲנִיתָא, וְחִילּוּפָא סַכָּנְתָא. תַּחֲלֵי וְסִיבּוּרָא – סַכָּנְתָא, אִישְׁתָּא וְסִיבּוּרָא – סַכָּנְתָא, כָּאֵיב עֵינָא וְסִיבּוּרֵי – סַכָּנְתָא. שֵׁנִי לְדָג – דָּם, שֵׁנִי לְדָם – דָּג, שְׁלִישִׁי לוֹ – סַכָּנְתָא.

Vinegar is good **for** one to consume **after bloodletting, and** eating **small fish** is good **for** one who has completed **a fast, but the reverse** is **a danger.** Eating **cress and** then undergoing **bloodletting** poses **a danger.** With regard to one who suffers from **a fever and** undergoes **bloodletting,** this poses **a danger** to his life. Similarly, one who suffers from **pain of the eye and** undergoes **bloodletting endangers** to his life. On the **second** day **after** eating **fish** one may let **blood,** and on the **second** day **after** letting **blood** one may eat **fish.** With regard to eating fish on the **third** day **after** letting blood, or letting blood on the third day after eating fish, both of these actions pose **a danger.**

תָּנוּ רַבָּנָן: הַמַּקִּיז דָּם לֹא יֹאכַל חגב״ש, לֹא חָלָב וְלֹא גְּבִינָה וְלֹא בְּצָלִים וְלֹא שַׁחֲלִים. אִם אָכַל, אֲמַר אַבָּיֵי: נַיְיתֵי רְבִיעָתָא דְּחַלָּא וּרְבִיעָתָא דְּחַמְרָא וּנְעַרְבְּבִינְהוּ בַּהֲדֵי הֲדָדֵי וְנִישְׁתֵּי, וְכִי מְפַנֶּה – לֹא מְפַנֶּה אֶלָּא לְמִזְרָחָהּ שֶׁל עִיר, מִשּׁוּם דְּקָשֶׁה רֵיחָא.

§ The Gemara presents a series of health-related statements. **The Sages taught: One who lets blood may not eat** the following foods, corresponding to the acronym ***ḥet, gimmel, beit, shin.*** That is, he may consume **neither milk** [*ḥalav*], **nor cheese** [*gevina*], **nor onions** [*betzalim*], **nor cress** [*sheḥalim*]. **If he ate** one of these, **Abaye said:** He **should bring a quarter-***log* **of vinegar and a quarter-***log* **of wine and mix them together and drink** the mixture. **And when he defecates, he should defecate only toward the east of the city, because the odor** of the excrement after that treatment **is offensive.** Since the wind does not usually blow from the east, it is less likely to spread the stench.

אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: מַעֲלִין אוּנְקְלִי בְּשַׁבָּת. מַאי אוּנְקְלִי? אֲמַר רַבִּי אַבָּא: אִיסְתּוּמְכָא דְּלִיבָּא. מַאי אָסוּתָא? מַיְיתֵי כַּמּוֹנָא כִּרְוָיָא, וְנִינְיָא, וְאַגְדָּנָא, וְצִיתְרֵי, וְאַבְדְּתָא;

Rabbi Yehoshua ben Levi says: One may lift the ***unkali***[L] **on Shabbat.** The Gemara asks: **What** is the ***unkali*? Rabbi Abba said:** It is the **edge of the ribs** [***istumkha***][L] **near the heart** which sometimes bend inward, in which case they must be lifted and straightened into their proper position. The Gemara asks: **What** is **the cure** for one whose *unkali* has been bent? He should **take cumin, caraway,**[N] **mint** [***ninya***],[L] **wormwood, satureja, and hyssop.**

לְלִיבָּא – בְּחַמְרָא, וְסִימָנָךְ: ״וְיַיִן יְשַׂמַּח לְבַב אֱנוֹשׁ״; לְרוּחָא – בְּמַיָּא, וְסִימָנָךְ: ״וְרוּחַ אֱלֹהִים מְרַחֶפֶת עַל פְּנֵי הַמָּיִם״; לְכוּדָּא – בְּשִׁיכְרָא, וְסִימָנָךְ: ״וְכַדָּהּ עַל שִׁכְמָהּ״.

This remedy is beneficial for several ailments, and the Gemara presents each of these in turn: **For** curing the **heart,** the above combination should be taken **with wine, and your mnemonic** for this is the verse: **“And wine that makes glad the heart of man”** (Psalms 104:15). **For** curing an ailment that arises due to **the wind** [***ruḥa***], one drinks the mixture **in water, and your mnemonic** for this is the verse: **“And the spirit** [***ruaḥ***] **of God hovered over the face of the waters”** (Genesis 1:2). **For childbirth** [***lekhuda***],[LN] a woman in labor drinks the mixture **with beer** [***shikhra***], **and your mnemonic** for this is the verse: **“With her pitcher** [***vekhadah***] **upon her shoulder** [***shikhmah***]” (Genesis 24:15).

רַב אַחָא בְּרֵיהּ דְּרָבָא שָׁחֵיק לְהוּ לְכוּלְּהוּ בַּהֲדֵי הֲדָדֵי, וְשָׁקֵיל לֵיהּ מְלָא חֲמֵשׁ אֶצְבָּעָתֵיהּ וְשָׁתֵי לֵיהּ. רַב אַשִׁי שָׁחֵיק כָּל חַד וְחַד לְחוּדֵיהּ, וְשָׁקֵיל מְלָא אֶצְבְּעֵיהּ רַבָּתִי וּמְלָא אֶצְבְּעֵיהּ זוּטַרְתִּי. אֲמַר רַב פַּפָּא: אֲנָא עֲבַדִי לְכָל תָּנֵי וְלָא אִיתַּסָאי, עַד דַּאֲמַר לִי הַהוּא טַיָּעָא: אַיְיתֵי כּוּזָא חֲדַתְּא וּמַלְיֵיהּ מַיָּא, וּרְמֵי בֵּיהּ תַּרְוָדָא דְּדוּבְשָׁא דְּתַלֵּי לָהּ בֵּי כּוֹכְבֵי וּלְמָחָר אִישְׁתֵּי, עֲבַדִי הָכִי וְאִיתַּסָאי.

Rav Aḥa, son of Rava, ground all of these together and took a handful of the mixture **and drank it. Rav Ashi ground each and every one** of the herbs **separately and he took all** that he could hold between **his large finger and his small finger** and drank it. **Rav Pappa said: I tried all these** remedies **and I was not healed until a certain Arab said to me: Bring a new jug and fill it with water and place in it a ladle** [***tarvada***][L] **of honey that is suspended among the stars,** i.e., add the ladle at night, **and drink it on the next day.** Rav Pappa concludes: **I did this and I was healed.**

LANGUAGE

***Unkali* – אוּנְקְלִי:** From the Greek ἀνάκωλος, *anakolos*, meaning docked, curtailed, or short-legged, which can refer to any item that has been bent or contorted. This includes the cartilage found in the chest, between the ribs. If this cartilage is bent inward, it can cause a sensation of severe pressure on the stomach.

Edge of the ribs [*istumkha*] – אִיסְתּוּמְכָא: Apparently from the Greek στόμαχος, *stomakhos*, meaning throat or gullet, which refers to the stomach, more specifically to its upper opening.

Mint [*ninya*] – נִינְיָא: Rashi writes that *ninya* refers to a plant called *mentha*, also known as mint. *Mentha* is also the genus name for aromatic herbs of the Lamiaceae family, which are used even nowadays to enhance the scent and flavor of various perishables. Some commentaries and experts dispute Rashi’s claim, and suggest that the *ninya* plant belongs to the genus *Ammi* of the Apiaceae family.

Childbirth [*kuda*] – כּוּדָּא: Apparently a Syriac-Aramaic word that refers to the extended discharge of blood that a woman experiences after childbirth.

Ladle [*tarvada*] – תַּרְוָדָא: This word is found both in Syriac and Aramaic and refers to a ladle. Its original etymology is unknown.

NOTES

Facial wounds – חַסְפַּנִיתָא: Rashi explains that these are facial scars. In tractate *Shabbat* 134a he writes that this term refers to a kind of boil or sore.

Caraway – כִּרְוָיָא: Rashi explains that this word means handful. Accordingly, the Gemara reads: He should take a handful of cumin, etc. Others maintain that this is referring to a type of herb (*Arukh*).

For childbirth – לְכוּדָּא: Rashi explains that this remedy is prescribed for a woman who recently gave birth and is suffering from chills. Others say that it is a cure for a spirit that might possess a woman in labor (*Arukh*).

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תָּנוּ רַבָּנַן: שִׁשָּׁה דְּבָרִים מַרְפְּאִין אֶת הַחוֹלֶה מֵחָלְיוֹ וּרְפוּאָתָן רְפוּאָה, וְאֵלּוּ הֵן: כְּרוּב, וּתְרָדִין, וּמֵי סִיסִין יְבֵישָׁה, וְקֵיבַת, וְהֶרֵת, וְיוֹתֶרֶת הַכָּבֵד. וְיֵשׁ אוֹמְרִים: אַף דָּגִים קְטַנִּים; וְלֹא עוֹד, אֶלָּא שֶׁדָּגִים קְטַנִּים מַפְרִין וּמַרְבִּין כָּל גּוּפוֹ שֶׁל אָדָם.

The Sages taught: Six items heal a sick person from his illness and their cure is a permanent **cure, and these are: Cabbage, beets, water** in which **dried chamomile**[B] was soaked, and **the stomach** contents **of** an animal, and **the womb** of an animal,[B] **and the lobe of the liver. And some say: Small fish** are **also** included in this list. **And moreover,** eating **small fish causes a person's entire body to flourish and to grow.**

עֲשָׂרָה דְּבָרִים מַחֲזִירִין אֶת הַחוֹלֶה לְחָלְיוֹ וְחָלְיוֹ קָשֶׁה, אֵלּוּ הֵן: הָאוֹכֵל בְּשַׂר שׁוֹר, שׁוּמָן, בְּשַׂר צָלִי, בְּשַׂר צִיפָּרִים, וּבֵיצָה צְלוּיָה, וְשַׁחֲלַיִם, וְתִגְלַחַת, וּמֶרְחָץ, וּגְבִינָה, וְכָבֵד. וְיֵשׁ אוֹמְרִים: אַף אֱגוֹזִים. וְיֵשׁ אוֹמְרִים: אַף קִשּׁוּאִין. תָּנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: לָמָּה נִקְרָא שְׁמָן קִשּׁוּאִין? מִפְּנֵי שֶׁהֵן קָשִׁין לְכָל גּוּפוֹ שֶׁל אָדָם כַּחֲרָבוֹת.

Ten items return a sick person to his illness, and his illness becomes even more **severe** than it originally was, and **they are: One who eats ox meat,**[H] **fat, roasted meat, bird meat, and a roasted egg, and cress; and** the act of **shaving, and bathing, and** the consumption of **cheese, and liver. And some say: Nuts** are **also** included in this list. **And some say: Cucumbers** are **also** included in this list. **The school of Rabbi Yishmael taught: Why are they called cucumbers** [***kishu'in***]**? Because they are as harmful** [***kashin***] **to a person's entire body as swords.**

״וְאֵין מְסִתַּפְּרִין מֵהֶן בְּכָל מָקוֹם״. תָּנוּ רַבָּנַן: יִשְׂרָאֵל הַמִּסְתַּפֵּר מִגּוֹי רוֹאֶה בַּמַּרְאָה, וְגוֹי הַמִּסְתַּפֵּר מִיִּשְׂרָאֵל, כֵּיוָן שֶׁהִגִּיעַ לְבְלוֹרִיתוֹ שׁוֹמֵט אֶת יָדוֹ.

§ The mishna teaches: **And one may not have his hair cut by** gentiles **anywhere. The Sages taught** in a *baraita*: **A Jew who has his hair cut by a gentile**[H] should **observe** the gentile's actions **in a mirror** while he cuts his hair. **And** in the case of **a gentile who has his hair cut by a Jew,**[H] **when** the Jew **reaches** the gentile's **forelock he removes his hand** and does not cut it, because it is associated with idol worship.

BACKGROUND

Chamomile – סִיסִין: Following the identification of the *ge'onim*, this is *Matricaria chamomilla*, an annual plant of the Asteraceae family known colloquially as chamomile. It grows in many locations, including Eretz Yisrael, and has a distinctly yellow center surrounded by white petals. Chamomile plants also possess various medicinal properties that have been employed by many cultures throughout history. Even nowadays, chamomile petals are used in the preparation of herbal remedies for irritable bowels and congestion, as well as to hasten the healing process of various external wounds.

Chamomile flowers

The stomach contents of an animal and the womb of an animal – קֵיבַת וְהֶרֵת: Although these organs were generally eaten by the poorer members of society in talmudic times, they contain vitamins and other substances that are not found in conventional servings of meat.

HALAKHA

One who eats ox meat, etc. – הָאוֹכֵל בְּשַׂר שׁוֹר וכו׳: Certain foods are extremely unhealthy and therefore one should avoid consuming them at all times (Rambam *Sefer HaMadda*, *Hilkhot Deot* 4:9, 15).

A Jew who has his hair cut by a gentile – יִשְׂרָאֵל הַמִּסְתַּפֵּר מִגּוֹי: Due to the concern over bloodshed, a Jew may have his hair cut by a gentile only if the gentile is under the impression that the Jew is a distinguished individual, or when the haircut is performed in a populated area. This ruling is in accordance with the *baraita* here. The Rema notes that according to some authorities, if the gentile uses a razor to cut hair it is prohibited to have one's hair cut by him even in a populated place, unless he can observe the gentile with a mirror (*Tosafot*; see Gra). All agree that a mirror is not required in a public place if the gentile uses scissors instead of a razor. The accepted practice follows the first opinion, and therefore one may have his hair cut by a gentile provided that he does so in a populated location (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:11; *Shulḥan Arukh*, *Yoreh De'a* 156:2).

A gentile who has his hair cut by a Jew – גּוֹי הַמִּסְתַּפֵּר מִיִּשְׂרָאֵל: A Jew who cuts a gentile's hair must leave an area of three by three fingerbreadths around the forelock untouched, in accordance with the *baraita* and the statement of Rav Malkiyya (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 11:2; *Shulḥan Arukh*, *Yoreh De'a* 156:3).

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אָמַר מָר: יִשְׂרָאֵל הַמִּסְתַּפֵּר מִגּוֹי רוֹאֶה בַּמַּרְאָה. הֵיכִי דָּמֵי? אִי בִּרְשׁוּת הָרַבִּים – לָמָּה לִי מַרְאָה, וְאִי בִּרְשׁוּת הַיָּחִיד – כִּי רוֹאֶה מַאי הָווּ? לְעוֹלָם בִּרְשׁוּת הַיָּחִיד, וְכֵיוָן דְּאִיכָּא מַרְאָה מִתְחַזֵי כְּאָדָם חָשׁוּב.

The Master said: A Jew who has his hair cut by a gentile should **observe** the gentile's actions **in a mirror.** The Gemara asks: **What are the circumstances** of this case? **If** it is referring to a haircut performed **in a public domain, why do I** need **a mirror?** After all, the gentile will not harm a Jew in public. **And if** it occurs **in a private domain,** even if the Jews **observes** the gentile's actions, **what of it?** How does the fact that the Jew is watching prevent the gentile barber from harming him? The Gemara explains: **Actually,** this is referring to a haircut **in a private domain, but since there is a mirror** in place, the Jew **appears as an important person**[N] whom the gentile will hesitate to attack.

רַב חָנָא בַּר בִּיזְנָא הֲוָה מְסַתַּפֵּר מִגּוֹי בְּשִׁבֵּילֵי דִּנְהַרְדְּעָא, אֲמַר לֵיהּ: חָנָא, חָנָא, יָאֵי קוֹעֶיךָ לְזוּגָא! אֲמַר: תֵּיתֵי לִי דַּעֲבַרִי אַדְּרַבִּי מֵאִיר.

The Gemara relates a relevant incident: **Rav Ḥana bar Bizna was having his hair cut by a gentile in** one of **the side streets of Neharde'a.** The barber **said to him: Ḥana, Ḥana; Your throat is appealing to the razor.** Rav Ḥana bar Bizna **said:** I have this **coming to me, as I violated** the ruling **of Rabbi Meir,** who stated that one may not have his hair cut by a gentile in any location.

וַאֲדַרְבָנַן לָא עֲבַר? אֵימַר דַּאֲמוּר רַבָּנַן – בִּרְשׁוּת הָרַבִּים, בִּרְשׁוּת הַיָּחִיד מִי אֲמוּר? וְהוּא סָבַר: שְׁבִילֵי דִּנְהַרְדְּעָא, כֵּיוָן דְּשָׁכִיחִי רַבִּים כִּרְשׁוּת הָרַבִּים דָּמוּ.

The Gemara asks: **And didn't** Rav Ḥana bar Bizna **violate** the ruling **of the Rabbis** as well? **Say** that **when the Rabbis stated** that it is permitted to have one's hair cut by a gentile, they were referring to a haircut performed **in a public domain;** but with regard to a haircut performed **in a private domain, did they say** that it is permitted? Since the side streets of Neharde'a cannot be considered a public domain, evidently Rav Ḥana bar Bizna violated the ruling of the Rabbis. The Gemara explains: **And** Rav Ḥana bar Bizna **maintains:** With regard to **the side streets of Neharde'a, since many people are present** there, **they are similar to a public domain,** and it would therefore be permitted to have one's hair cut there according to the opinion of the Rabbis.

וְגוֹי הַמִּסְתַּפֵּר מִיִּשְׂרָאֵל, כֵּיוָן שֶׁהִגִּיעַ לְבֶלְּוּרִיתוֹ שׁוֹמֵט אֶת יָדוֹ. וְכַמָּה? אָמַר רַב מַלְכִּיָּה אָמַר רַב אַדָּא בַּר אַהֲבָה: שְׁלֹשָׁה אֶצְבָּעוֹת לְכָל רוּחַ וְרוּחַ.

The *baraita* stated: **And** in the case of **a gentile who has his hair cut by a Jew, when** the Jew **reaches** the gentile's **forelock, he removes his hand** and does not cut it, because it is associated with idol worship. The Gemara asks: **And how much** space should the Jew leave around the forelock? **Rav Malkiyya says** that **Rav Adda bar Ahava says: Three fingerbreadths in each and every direction.**

אָמַר רַב חֲנִינָא בְּרֵיהּ דְּרַב אִיקָא: שַׁפּוּד, שְׁפָחוֹת, וְגוּמּוֹת – רַב מַלְכִּיָּה; בְּלוֹרִית, אֵפֶר מִקְלֶה, וּגְבִינָה – רַב מַלְכִּיָּה.

In addition to Rav Malkiyya, whose ruling was just cited, there was another *amora* known as Rav Malkiyyu. In order to avoid confusing the two, the Gemara records their respective rulings. **Rav Ḥanina, son of Rav Ika, says:** The statements concerning **a skewer, maidservants,**[N] **and follicles** were issued by **Rav Malkiyyu;** the rulings concerning **a forelock, burnt ashes, and cheese** were stated by **Rav Malkiyya.**

אָמַר רַב פָּפָּא: מַתְנִיתִין וּמַתְנִיתָא רַב מַלְכִּיָּה, שְׁמַעְתָּתָא – רַב מַלְכִּיּוּ, וְסִימָנָא: מַתְנִיתָא מַלְכְּתָא. מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ שְׁפָחוֹת.

Rav Pappa said a different opinion: Statements from the **Mishna and *baraita*** were issued by **Rav Malkiyya,** whereas rulings of ***halakha*** that are not related to a mishna or *baraita* were taught by **Rav Malkiyyu. And the mnemonic** to remember this is: **The Mishna is a queen** [***malketa***], i.e., the statements that are referring to a mishna were made by Rav Malkiyya, whose name is similar to the Aramaic term for queen. The Gemara asks: **What** is the difference **between** the opinions of Rav Ḥanina and Rav Pappa? The Gemara answers: **There is** a difference **between them** with regard to the *halakha* concerning **maidservants.** According to Rav Ḥanina, this *halakha* was stated by Rav Malkiyyu, whereas Rav Pappa holds that it was taught by Rav Malkiyya, as it is referring to a dispute in a mishna.

NOTES

Appears as an important person – מִתְחַזֵי כְּאָדָם חָשׁוּב: The average person is not particularly concerned as to whether or not his hair is cut in such a precise manner of grooming. Consequently, holding a mirror to ensure that one's hair is cut nicely appears to be the act of a distinguished individual.

NOTES

Skewer, maidservants, etc. – שַׁפּוּד שְׁפָחוֹת וכו': The case of a skewer refers to the *halakha* that on a Festival, a skewer that had been used to roast meat but no longer has an olive-bulk of meat on it may be moved to a corner despite the fact that it is considered set-aside (see *Beitza* 28b). The case of a maidservant refers to the *halakha* that even a woman who brings one hundred maidservants into a marriage as her dowry can be compelled to perform some sort of work so that she should not sin out of boredom (see *Ketubot* 61b). Follicles refers to the *halakha* that a girl who has two hair follicles in her pubic region is considered to have reached the age of majority even if there are no hairs growing from them. The case of a forelock is stated in the Gemara here.

The *halakha* of burnt ashes is that one may not place burnt ashes on a wound, as this has the appearance of tattooing oneself. Finally, Rav Malkiyya's statement concerning cheese refers to the *halakha* mentioned later in the mishna (29b), which states that the cheese of a gentile is forbidden. Rav Malkiyya, citing Rav Adda bar Ahava, explains that this prohibition is due to the fact that gentiles would add pig oil to their cheeses (see 35b).

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מתני׳ אֵלּוּ דְּבָרִים שֶׁל גּוֹיִם אֲסוּרִין וְאִיסּוּרָן אִיסּוּר הֲנָאָה: הַיַּיִן, וְהַחוֹמֶץ שֶׁל גּוֹיִם שֶׁהָיָה מִתְּחִלָּתוֹ יַיִן, וְחֶרֶס הַדְּרָיָנִי, וְעוֹרוֹת לְבוּבִין. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: בִּזְמַן שֶׁהַקֶּרַע שֶׁלּוֹ עָגוֹל – אָסוּר, מָשׁוּךְ – מוּתָּר.

MISHNA

This mishna discusses the halakhic status of various items that belong to gentiles. **These are items** that **belong to gentiles** and **are prohibited** to Jews, **and their prohibition is** that of **an item from which** deriving **benefit is prohibited: Wine,**[H] **and vinegar**[H] **belonging to gentiles that was originally wine,**[N] **and Hadrianic earthenware,**[HN] **and hides** with a tear opposite the **heart.**[H] **Rabban Shimon ben Gamliel says:** A hide is **prohibited** only **when** the **tear** around its heart is **circular,**[N] but if it is **elongated** it is **permitted,** as gentiles will sacrifice a heart only when it has been removed by a circular laceration.

בָּשָׂר הַנִּכְנָס לַעֲבוֹדָה זָרָה מוּתָּר, וְהַיּוֹצֵא – אָסוּר, מִפְּנֵי שֶׁהוּא כִּזְבְחֵי מֵתִים, דִּבְרֵי רַבִּי עֲקִיבָא. הַהוֹלְכִין לְתַרְפּוּת – אָסוּר לָשֵׂאת וְלָתֵת עִמָּהֶן, וְהַבָּאִין – מוּתָּרִין.

Meat that enters[H] **the** house of **idol worship**[N] is **permitted, and** meat **that exits** this house is **prohibited,**[N] **because it is** considered **as offerings to the dead,**[N] i.e., to idols; this is **the statement of Rabbi Akiva.** With regard to **those going to a festival of idolatry** [*tarput*],[HNL] it is **prohibited to engage in business with them.**[N] **And** with regard to **those who are coming** from it, it is **permitted** to engage in business with them.

HALAKHA

Wine – יַיִן: It is prohibited to derive benefit from wine belonging to gentiles, due to the concern that it might have been used in an idolatrous ritual. The Rema writes that as it is very uncommon nowadays for gentiles to use wine for idolatrous purposes, it is prohibited only for consumption. It is therefore permitted for a Jew to accept the wine of gentiles as payment for a debt (*Tur*, citing Rashbam; Rosh; Mordekhai). The same applies to any situation where rejecting the wine would result in monetary loss. Consequently, although one should avoid purchasing wine from a gentile *ab initio*, if he has already done so he may resell the wine rather than destroy it (*Haggahot Maimoniyyot*). Some commentaries contend that it is permitted to buy and sell the wine of gentiles even for business purposes, although it is best to act stringently in this regard (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:1; *Shulḥan Arukh*, *Yoreh De'a* 123:1).

Vinegar – חוֹמֶץ: It is prohibited to derive benefit from vinegar made from wine that belonged to gentiles (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:13).

Hadrianic earthenware – חֶרֶס הַדְּרָיָנִי: One may not derive benefit from any earthenware vessel that, when soaked in water, imparts the flavor of the wine of gentiles that it has absorbed (*Shulḥan Arukh*, *Yoreh De'a* 123:13).

Hides with a tear opposite the heart – עוֹרוֹת לְבוּבִין: If the hide of an animal contains any indication that it was used in an idolatrous ritual, it is prohibited to derive benefit from it. This *halakha* is in accordance with the opinion of Rabban Shimon ben Gamliel (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:3).

Meat that enters, etc. – בָּשָׂר הַנִּכְנָס וכו׳: It is permitted for one to derive benefit from meat, wine, or produce that was prepared for usage in idol worship until it is actually used in an idolatrous ritual, at which stage it is permanently prohibited (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:15; *Shulḥan Arukh*, *Yoreh De'a* 139:1, 5–6).

Those going to a festival of idolatry – הַהוֹלְכִין לְתַרְפּוּת: It is prohibited to engage in business with gentiles who are on their way to a festival of idolatry, but it is permitted to do so upon their return. Nowadays, it has become an acceptable practice to engage in business dealings with gentiles in either situation (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:17; *Shulḥan Arukh*, *Yoreh De'a* 148:11–12).

NOTES

That was originally wine – שֶׁהָיָה מִתְּחִלָּתוֹ יַיִן: The Gemara is referring to vinegar prepared from wine that belonged to gentiles. If a Jew's wine soured and then entered a gentile's possession, the vinegar would not be prohibited, as there is no concern that it might be used for idolatry (Rashi).

Hadrianic earthenware – חֶרֶס הַדְּרָיָנִי: This is a kind of earthenware that was made of clay mixed with concentrated wine. Shards of Hadrianic earthenware would be placed in water, which would absorb some of the flavor from the wine, producing a flavored beverage. The Gemara (32a) discusses this matter in greater detail and explains the reason for the prohibition.

When the tear around its heart is circular – בִּזְמַן שֶׁהַקֶּרַע שֶׁלּוֹ עָגוֹל: Gentiles would tear the skin opposite the heart of an animal and extract the organ for idolatrous purposes. Rabban Shimon ben Gamliel teaches that the gentiles would sacrifice a heart only if it was removed from a circular laceration; if the tear was elongated, the skin was evidently torn for some other purpose. It is noted in the Jerusalem Talmud that this ritual was performed exclusively upon live animals, and that the shape of the tear reveals when the heart was removed: An elongated tear indicates that the skin was torn after the animal's death, while a circular tear suggests that the heart was removed while the animal was still alive (see 32b and *Or Gadol* on the mishna).

Meat that enters the house of idol worship – בָּשָׂר הַנִּכְנָס לַעֲבוֹדָה זָרָה: The novelty of the ruling is that mere intent to offer the meat does not render it prohibited. This is due to the principle that there is no consecration for idol worship (see 42b).

And meat that exits is prohibited – וְהַיּוֹצֵא אָסוּר: Meat that is brought out of a place of idol worship is assumed to have been used in an idolatrous ritual and is therefore prohibited.

Because it is considered as offerings to the dead – שֶׁהוּא כִּזְבְחֵי מֵתִים: The phrase: Offerings to the dead, is a reference to an item that was sacrificed for idolatry (see Psalms 106:28). Rabbeinu Tam points out that the meat is merely compared to an offering to the dead; it is not called an actual offering to the dead, because it was not slaughtered for the sake of idolatry. In the Jerusalem Talmud the meat is referred to as an actual offering, which indicates that any item used in idolatrous practices is called by this name (see Rid).

Festival of idolatry [*tarput*] – תַּרְפּוּת: Some explain that this word is related to *terafim*, which are the idols and images used in idol worship. Others claim that it is a pejorative term that literally means nakedness. A slightly different version is found in the Jerusalem Talmud: *Tarbut*. This apparently refers to *Torivus*, a festival in which a large idol was placed near a smaller one (see *Arukh*).

It is prohibited to engage in business with them – אָסוּר לָשֵׂאת וְלָתֵת עִמָּהֶן: If a gentile engages in a successful business transaction, he will express his gratitude to his gods for the profit. Additionally, a gentile may decide to use an item purchased from a Jew in an idolatrous ritual. Therefore, Jews may not engage in business transactions with gentiles who are on their way to worship their idols. It is permitted to do so upon their return, as these concerns no longer apply.

LANGUAGE

Festival of idolatry [*tarput*] – תַּרְפּוּת: Various sources indicate that this term originates from the Greek θόρυβος, *thorubos*, which means the confused noise of a crowded assembly, or uproar. Apparently the Gemara is referring to a large, boisterous festival that was dedicated to a particular form of worship, possibly for the Greek god Dionysus. This festival involved chaotic rites and ritualistic ecstasy on a massive scale. While the term may have originated from Greek, the word *tarput* is certainly a Hebraic articulation, and is related to the word *toref*, meaning shame or nakedness. In this manner the Gemara expresses its disdain for these activities by referring to them by a term that bears a derisive connotation.

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נוֹדוֹת הַגּוֹיִם וְקַנְקַנֵּיהֶן וְיַיִן שֶׁל יִשְׂרָאֵל כָּנוּס בָּהֶן – אֲסוּרִין וְאִיסּוּרָן אִיסּוּר הֲנָאָה, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: אֵין אִיסּוּרָן אִיסּוּר הֲנָאָה. הַחַרְצַנִּים וְהַזְּגִין שֶׁל גּוֹיִם – אֲסוּרִין וְאִיסּוּרָן אִיסּוּר הֲנָאָה, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: לַחִין אֲסוּרִין, יְבֵישִׁין מוּתָּרִין.

Wineskins[HB] **and jugs** belonging **to gentiles,** which have **a Jew's wine contained in them,** are **prohibited** to Jews, **and their prohibition is** that of **an item from which** deriving **benefit is prohibited;**[N] this is **the statement of Rabbi Meir. And the Rabbis say: Their prohibition is not** that of **an item from which** deriving **benefit is prohibited.** Residual grape **seeds and grape skins belonging to gentiles,**[H] which are left behind after the grapes are crushed for wine, are **prohibited, and their prohibition is** that of **an item from which** deriving **benefit is prohibited;** this is **the statement of Rabbi Meir. And the Rabbis say: Moist** grape residues are **prohibited,** but **dry** residues are **permitted.**

הַמּוּרַיְיס וּגְבִינַת בֵּית אוּנְיָיקִי שֶׁל גּוֹיִם – אֲסוּרִין וְאִיסּוּרָן אִיסּוּר הֲנָאָה, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: אֵין אִיסּוּרָן אִיסּוּר הֲנָאָה.

Fish stew [*murayes*][LN] **and cheese of Beit Unyaki**[LN] **belonging to gentiles are prohibited, and their prohibition is** that of **an item from which** deriving **benefit is prohibited.** This is **the statement of Rabbi Meir. And the Rabbis say: Their prohibition is not** that of **an item from which** deriving **benefit is prohibited.**

אָמַר רַבִּי יְהוּדָה: שָׁאַל רַבִּי יִשְׁמָעֵאל אֶת רַבִּי יְהוֹשֻׁעַ בְּשָׁהָיוּ מְהַלְּכִין בַּדֶּרֶךְ, אָמַר לוֹ: מִפְּנֵי מָה אָסְרוּ גְּבִינוֹת גּוֹיִם? אָמַר לוֹ: מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּקֵיבָה שֶׁל נְבֵילָה.

Rabbi Yehuda said: Rabbi Yishmael asked Rabbi Yehoshua a series of questions **while they were traveling along the road.** Rabbi Yishmael **said to him: For what** reason **did** the Sages **prohibit** the **cheeses of gentiles?**[H] Rabbi Yehoshua **said to him: Because** gentiles **curdle** cheese **with the stomach** contents **of** an unslaughtered **animal carcass,** and as the carcass of an unslaughtered animal is not kosher, cheese that is curdled with it is likewise prohibited.

אָמַר לוֹ: וַהֲלֹא קֵיבַת עוֹלָה חֲמוּרָה מִקֵּיבַת נְבֵילָה, אָמְרוּ: כֹּהֵן שֶׁדַּעְתּוֹ יָפָה שׁוֹרְפָהּ חַיָּה, וְלֹא הוֹדוּ לוֹ, אֲבָל אָמְרוּ: אֵין נֶהֱנִין וְלֹא מוֹעֲלִין!

In response, Rabbi Yishmael **said to him: But aren't the stomach** contents **of a burnt-offering** subject to a more **stringent** prohibition **than the stomach** contents **of** an unslaughtered **animal carcass?** And yet **they said: A priest who is open-minded** [***shedato yafa***][L] with regard to what he eats **may swallow** [***shorefah***][L] the stomach contents of a burnt-offering while they are **raw, and** the other Sages **did not agree with him. But** the Sages **said: One may not** derive **benefit** from the stomach contents of a burnt-offering *ab initio*, **and** if one did derive benefit from them, he is **not** liable for **misusing** consecrated property. According to both opinions, deriving benefit from the stomach contents of a burnt-offering is not prohibited by Torah law. Since the *halakha* with regard to a burnt-offering is more stringent than that of an animal carcass, why would deriving benefit from the carcass be prohibited, while deriving benefit from the burnt-offering is permitted?

HALAKHA

Wineskins, etc. – נוֹדוֹת וכו': It is prohibited to consume wine inside wineskins or jugs belonging to gentiles, but it is permitted to derive benefit from it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:15; *Shulḥan Arukh*, *Yoreh De'a* 137:1).

Residual grape seeds and grape skins belonging to gentiles – הַחַרְצַנִּים וְהַזְּגִין שֶׁל גּוֹיִם: One may not derive benefit from moist grape skins and seeds which belong to gentiles. Once they are dry it is permitted even to consume them. This is the *halakha* only if the grapes were soaked in water before they dried; otherwise they are prohibited. The Rema writes that all this applies only to grape residue from wine. Grape skins and seeds that are left behind in the press itself are not subject to these *halakhot* and are permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:14; *Shulḥan Arukh*, *Yoreh De'a* 123:14).

Cheeses of gentiles – גְּבִינוֹת גּוֹיִם: As Shmuel explains on 35a, cheeses made by gentiles are prohibited because they are curdled in the stomach of unslaughtered animal carcasses. Nevertheless, cheeses that are curdled in a container are also prohibited, as the Sages did not distinguish between the different circumstances. If a Jew supervises the cheese-making process, the cheese is permitted even for consumption (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:13; *Shulḥan Arukh*, *Yoreh De'a* 115:2).

BACKGROUND

Wineskins – נוֹדוֹת: Wineskins were typically made from whole hides of various animals. They had several uses, but served primarily as containers for personal items and food. When a wineskin was fashioned to hold liquids, the hide would be carefully removed without puncturing the skin and without slicing the animal's legs. Once the hide was removed, a tube, usually a reed, would be inserted into one of the legs and used as a spout.

Young man with wineskin

LANGUAGE

Fish stew [*murayes*] – מוּרַיְיס: The origin of this word is unknown. Some suggest that it is from the Greek ἁλμυρίς, *halmuris*, or the Latin muries, both of which refer to a salty food. Specifically, it refers to fish brine, which contains a large amount of salt and oil, and was used as a condiment.

Beit Unyaki – בֵּית אוּנְיָיקִי: Apparently from a one-word term similar to the Greek Βιθυνιακή, *bithuniakē*, which refers to an item that comes from Bithynia, a district in the northwest region of Asia Minor. Bithynia was known for its cheese, and Roman sources attest to its high quality.

Who is open-minded [*shedato yafa*] – שֶׁדַּעְתּוֹ יָפָה: This phrase, which literally means: Whose mind is pretty or delicate, is a euphemism. In other words, a priest who is not too particular, and who is not repulsed by such matters, may eat the stomach of a burnt-offering while it is raw.

Swallow [*shorefah*] – שׁוֹרְפָהּ: From an unusual root that means to drink or slurp a beverage. It is similar to the Arabic شرب, *shariba*, meaning he drank.

NOTES

Their prohibition is of an item from which deriving benefit is prohibited – אֲסוּרִין וְאִיסּוּרָן אִיסּוּר הֲנָאָה: Some commentaries explain that according to the opinion of Rabbi Meir, deriving benefit from the containers themselves is prohibited, due to the wine that they have previously absorbed. The Rabbis contend that only Hadrianic earthenware contains traces of actual wine, whereas wineskins and jugs absorb only some of the taste; they are therefore prohibited for consumption, it is permitted for one to derive benefit from them (Ra'avad). Others maintain that if the vessels themselves were prohibited, there would be no need to mention that they contain the wine of a Jew (*Tosafot*). *Tosafot* therefore explain that the prohibition refers only to the wine contained in the vessels; all agree that the vessels themselves are permitted. Accordingly, Rabbi Meir holds that deriving benefit from the wine itself is prohibited, while the Rabbis contend that deriving benefit from the wine is permitted, as it belongs to a Jew (see Meiri).

Fish stew – מוּרַיְיס: This is a dish made of fish brine, which Rabbi Meir prohibits due to the concern that a gentile might have added wine to it to enhance its taste. According to the Rabbis, as the wine is not discernible in the fish stew it is prohibited only to consume the stew; it is permitted to derive benefit from it (see 35a).

And cheese of Beit Unyaki – וּגְבִינַת בֵּית אוּנְיָיקִי: Beit Unyaki was a village that produced and exported cheeses to other areas. The Gemara explains that most of the calves in whose stomachs the cheese was curdled were slaughtered for the sake of idol worship and are therefore prohibited. Other versions of the text read: Cheeses and *tinyaki*, a kind of food prepared by boiling whey. If so, the Gemara is not referring to a specific type of cheese, but to cheeses in general.

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אָמַר לוֹ: מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּקֵיבַת עֲגָלֵי עֲבוֹדָה זָרָה. אָמַר לוֹ: אִם כֵּן, לָמָּה לֹא אֲסָרוּהָ בַּהֲנָאָה?

Rabbi Yehoshua **said to** Rabbi Yishmael: The cheese of gentiles is prohibited **because they curdle it in the stomach** contents **of calves** used for **idol worship.** Since it is prohibited to derive benefit from such calves, cheese curdled in their stomach contents is also prohibited. Rabbi Yishmael **said to him: If** that is **so, why didn't** the Sages **prohibit** deriving any **benefit** from the cheese, instead of merely prohibiting its consumption?

הִשִּׁיאוֹ לְדָבָר אַחֵר, אָמַר לוֹ: יִשְׁמָעֵאל, הֵיאָךְ אַתָּה קוֹרֵא "כִּי טוֹבִים דֹּדֶיךָ מִיָּיִן" אוֹ "כִּי טוֹבִים דֹּדַיִךְ"?

Instead of answering Rabbi Yishmael, Rabbi Yehoshua **diverted his** attention **to another matter**[N] and **said to him: Yishmael, how do you read** the following verse in the Song of Songs (1:2)? Do you read it as: **For Your love** [*dodekha*] **is better than wine,** or as: **For your love** [*dodayikh*] **is better** than wine? The first version, which is in the masculine form, would be a reference to God, whereas the second version, in the feminine, would be a reference to the Jewish people.

אָמַר לוֹ: "כִּי טוֹבִים דֹּדַיִךְ". אָמַר לוֹ: אֵין הַדָּבָר כֵּן, שֶׁהֲרֵי חֲבֵירוֹ מְלַמֵּד עָלָיו: "לְרֵיחַ שְׁמָנֶיךָ טוֹבִים".

Rabbi Yishmael **said to him** that it should be read in the feminine: **For your love** [*dodayikh*] **is better** than wine. Rabbi Yehoshua **said to him: The matter is not so, as another** verse **teaches with regard to it: "Your ointments** [*shemanekha*] **have a goodly fragrance"** (Song of Songs 1:3). This phrase, which appears in the next verse, is written in the masculine form, and therefore it is determined that the preceding verse can also be understood in the masculine form.

גמ' יַיִן מְנָלַן? אָמַר רַבָּה בַּר אֲבוּהּ, אָמַר קְרָא: "אֲשֶׁר חֵלֶב זִבְחֵימוֹ יֹאכֵלוּ יִשְׁתּוּ יֵין נְסִיכֶם", מַה זֶּבַח אָסוּר בַּהֲנָאָה, אַף יַיִן נַמִּי אָסוּר בַּהֲנָאָה.

GEMARA **From where do we** derive that **wine** belonging to gentiles is prohibited? **Rabba bar Avuh says** that **the verse states: "Who did eat the fat of their offerings, and drank the wine of their drink-offering"** (Deuteronomy 32:38). This verse juxtaposes the fat of gentile sacrifices to their wine: **Just as** deriving **benefit from** their **offering**[H] **is prohibited, so too,** deriving **benefit from** their **wine** is **prohibited.**

זֶבַח גּוּפֵיהּ מְנָלַן? דִּכְתִיב: "וַיִּצָּמְדוּ לְבַעַל פְּעוֹר וַיֹּאכְלוּ זִבְחֵי מֵתִים", מַה מֵּת אָסוּר בַּהֲנָאָה, אַף זֶבַח נַמִּי אָסוּר בַּהֲנָאָה.

The Gemara asks: **From where do we** derive the prohibition with regard to **an offering itself?** It is derived from a verse, **as it is written: "They joined themselves also unto Baal of Peor, and ate the offerings to the dead"** (Psalms 106:28). This verse teaches that **just as** deriving **benefit from a corpse is prohibited,**[H] **so too,** deriving **benefit from an offering** of idolatry **is prohibited.**

וּמֵת גּוּפֵיהּ מְנָלַן? אָתְיָא "שָׁם" "שָׁם" מֵעֶגְלָה עֲרוּפָה, כְּתִיב הָכָא: "וַתָּמָת שָׁם מִרְיָם", וּכְתִיב הָתָם: "וְעָרְפוּ שָׁם אֶת הָעֶגְלָה בַּנָּחַל", מַה לְּהַלָּן אָסוּר בַּהֲנָאָה, אַף כָּאן נַמִּי אָסוּר בַּהֲנָאָה.

The Gemara asks: **And from where do we** derive the prohibition of **a corpse itself?** The Gemara answers: It **is derived from** a verbal analogy between the words **"there"** and **"there"** employed **with regard to** the **heifer whose neck is broken**[H] to absolve a city from bearing responsibility for the death of a visitor. **It is written here: "And Miriam died there"** (Numbers 20:1), **and it is written there:** "And the elders of that city shall bring down the heifer unto a rough valley, which may neither be plowed nor sown, **and shall break the heifer's neck there in the valley"** (Deuteronomy 21:4). **Just as there,** deriving **benefit from** the heifer **is prohibited, so too here,** deriving **benefit from** a corpse is **prohibited.**

וְהָתָם מְנָלַן? אָמְרִי דְּבֵי רַבִּי יַנַּאי: כַּפָּרָה כְּתִיב בָּהּ בְּקָדָשִׁים.

And there, from where do we learn that deriving benefit from the heifer is prohibited? The Sages **said in the school of Rabbi Yannai:** A term of **atonement is written with regard to** the heifer whose neck is broken (Deuteronomy 21:8), just **as** it is written with regard to **sacrificial** animals.[N] This teaches that deriving benefit from the heifer is prohibited, just as deriving benefit from sacrificial animals is prohibited.

NOTES

Diverted his attention to another matter – הִשִּׁיאוֹ לְדָבָר אַחֵר: As the Gemara later explains (35a), Rabbi Yehoshua did not wish to reveal the reasoning of the Sages to Rabbi Yishmael. He diverted Rabbi Yishmael's attention to another subject in order to avoid having to explain the reasoning to him.

Just as it is written with regard to sacrificial animals – כְּתִיב בָּהּ בְּקָדָשִׁים: The Rambam, at the beginning of *Hilkhot Me'ila*, addresses the question of which verse teaches that it is prohibited for one to derive benefit from sacrificial animals.

HALAKHA

Their offering – זֶבַח: It is prohibited to derive benefit from idolatrous offerings (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:15; *Shulḥan Arukh*, *Yoreh De'a* 139:1).

Deriving benefit from a corpse is prohibited – מֵת אָסוּר בַּהֲנָאָה: It is prohibited to derive benefit from a corpse (Rambam *Sefer Shofetim*, *Hilkhot Evel* 14:21; *Shulḥan Arukh*, *Yoreh De'a* 349:1).

Heifer whose neck is broken – עֶגְלָה עֲרוּפָה: It is prohibited to derive benefit from the heifer whose neck is broken once it has been led to the location of the ritual. The heifer is considered as if its neck were broken even if it dies or is slaughtered in that location with its neck still intact (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 10:6).

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״וְהַחוֹמֶץ שֶׁל גּוֹיִם שֶׁהָיָה מִתְּחִלָּתוֹ יַיִן״. פְּשִׁיטָא, מִשּׁוּם דְּאַחְמִיץ פְּקַע לֵיהּ אִיסּוּרֵיהּ? אֲמַר רַב אַשִׁי, הָא אַתָּא לְאַשְׁמוּעִינַן: חוֹמֶץ שֶׁלָּנוּ בְּיַד גּוֹי אֵין צָרִיךְ חוֹתָם בְּתוֹךְ חוֹתָם; אִי מִשּׁוּם אִינְסוּכֵי – לָא מְנַסְּכִי, וְאִי מִשּׁוּם אִיחְלוּפֵי – כֵּיוָן דְּאִיכָּא חוֹתָם, לָא טָרַח וּמְזַייֵף.

§ The mishna teaches: **And vinegar belonging to gentiles that was originally wine** is prohibited. The Gemara asks: Isn't this **obvious?** Just **because** the wine has **soured,** should **its prohibition lapse? Rav Ashi said: This comes to teach us** that **our vinegar** that is **in a gentile's possession does not require a seal within a seal** for it to remain permitted for consumption. Rather, one seal is sufficient. Rav Ashi explains the reason for this leniency: **If** the concern is **due to** idolatrous **libation,** gentiles do **not offer libations** of vinegar. **And if** it is **due to** the concern that a gentile may secretly **exchange** his prohibited vinegar with the vinegar of a Jew, **since there is** one **seal,** the gentile will **not exert** himself **and forge** a different seal in order to facilitate the exchange.

אָמַר רַבִּי אֶילְעָא, שָׁנִינוּ: יַיִן מְבוּשָּׁל שֶׁל גּוֹיִם שֶׁהָיָה מִתְּחִלָּתוֹ יַיִן – אָסוּר. פְּשִׁיטָא, מִשּׁוּם דְּאִיבְּשִׁיל פְּקַע לֵיהּ אִיסּוּרָא? אֲמַר רַב אַשִׁי, הָא אַתָּא לְאַשְׁמוּעִינַן: יַיִן מְבוּשָּׁל שֶׁלָּנוּ בְּיַד גּוֹיִם אֵין צָרִיךְ חוֹתָם בְּתוֹךְ חוֹתָם; אִי מִשּׁוּם אִינְסוּכֵי – לָא מְנַסְּכִי, וְאִי מִשּׁוּם אִיחְלוּפֵי – כֵּיוָן דְּאִיכָּא חוֹתָם, לָא טָרַח וּמְזַייֵף.

Rabbi Ile'a says: We learned that **cooked wine**[H] **belonging to gentiles that was originally** uncooked **wine is prohibited.** The Gemara again asks: Isn't this **obvious?** Just **because** the wine **was cooked,** should **its prohibition lapse? Rav Ashi said: This comes to teach us** that **our cooked wine** that is **in a gentile's possession does not require a seal within a seal** for it to remain permitted for consumption. Rather, one seal is sufficient. Rav Ashi elaborates: **If** the concern is **due to** idolatrous **libation,** gentiles do **not offer libations** of cooked wine. **And if** it is **due to** the concern that a gentile may secretly **exchange**[N] his wine with the wine of a Jew, **since there is one seal,** the gentile will **not exert** himself **and forge** a different seal in order to facilitate the exchange.

HALAKHA

Cooked wine – יַיִן מְבוּשָּׁל: One seal is sufficient to protect vinegar and cooked wine, as well as beer and flavored wines, from being rendered prohibited when they enter into a gentile's possession. This *halakha* is in accordance with the statement of Rav Ashi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:10; *Shulḥan Arukh*, *Yoreh De'a* 118:1, 130:3).

Perek **II**
Daf **30** Amud **a**

תָּנוּ רַבָּנָן: יַיִן מְבוּשָּׁל וְאַלּוּנְתִּית שֶׁל גּוֹיִם – אֲסוּרִין, אֲלוּנְתִּית כִּבְרָיְיתָא – מוּתֶּרֶת. וְאֵיזוֹ הִיא אֲלוּנְתִּית? כְּדִתְנַן גַּבֵּי שַׁבָּת: עוֹשִׁין אֲנוֹמְלִין וְאֵין עוֹשִׁין אֲלוּנְתִּית, וְאֵיזוֹ הִיא אֲנוֹמְלִין וְאֵיזוֹ הִיא אֲלוּנְתִּית? אֲנוֹמְלִין – יַיִן וּדְבַשׁ וּפִלְפְּלִין, אֲלוּנְתִּית – יַיִן יָשָׁן וּמַיִם צְלוּלִין וַאֲפַרְסְמוֹן, דְּעָבְדִי לְבֵי מַסּוּתָא.

§ The Gemara discusses the *halakha* with regard to various types of wine. **The Sages taught: Cooked wine and *aluntit*[L] of gentiles are prohibited;** but already **prepared**[N] ***aluntit*** that was made by a Jew before it entered the gentile's possession is **permitted.** The Gemara asks: **And what is *aluntit*?** It is **as we learned** in a *baraita* **with regard to Shabbat: One may prepare**[H] ***anomlin*,**[LH] **but one may not prepare *aluntit*.** The *baraita* clarifies: **And what is *anomlin* and what is *aluntit*? *Anomlin*** is a drink that is a mixture of **wine, honey, and pepper. *Aluntit*** is a mixture of **aged wine and clear water**[N] **and balsam,**[B] **which they prepare for** drinking after bathing in **a bathhouse** to cool down from the heat of the bathhouse. It is prohibited to prepare *aluntit* on Shabbat because it is a type of remedy.

LANGUAGE

***Aluntit* – אֲלוּנְתִּית:** Of unclear origin, this term probably evolved from the Greek **οἰνάνθη**, *oinanthē*, meaning ointment, often used in reference to a particular ointment prepared with wine.

***Anomlin* – אֲנוֹמְלִין:** From the Greek **οἰνόμελι**, *oinomeli*, meaning wine mixed with honey.

BACKGROUND

Balsam – אֲפַרְסְמוֹן: This is apparently the plant *Commiphora opobalsamum*, which is a bush or low tree 3–5 m in height, with thin branches and compound leaves. The best-quality perfume drips from the edges of the stems in small drops, while most of the perfume is extracted by boiling the branches. Although balsam oil also served medicinal purposes, its primary use was for incense and perfumed oil. Balsam was so valuable in the ancient world that its price was equal to its weight in gold.

Detail from Madaba Map depicting a branch of balsam, circled

NOTES

Exchange – אִיחְלוּפֵי: Although the wine of the Jew has been cooked, it is still possible that the gentile may wish to substitute his own wine with a more expensive type of wine.

Already prepared – כִּבְרָיְיתָא: Some commentaries explain that *aluntit* was made by mixing water and balsam oil in a container that was subsequently stored away. When one wished to drink *aluntit*, he would simply add wine to the mixture (Rabbeinu Tam; Rabbeinu Ḥananel). Accordingly, the phrase: Already prepared *aluntit*, refers to the water and balsam mixture alone, and it is permitted because it lacks wine. Rashi explains that if the entire mixture, including the wine, was prepared by a Jew before it reached the possession of the gentile, then it is no longer subject to the prohibition of wine used for a libation.

Clear water – מַיִם צְלוּלִין: This refers to water that has been left still for a period of time until all non-liquid particles have settled.

HALAKHA

One may prepare, etc. – עוֹשִׁין וכו׳: It is permitted to prepare *anomlin* on Shabbat, but not *aluntit*. This is because *anomlin* is a beverage, whereas *aluntit* is a remedy (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 22:11; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 321:17).

***Anomlin* – אֲנוֹמְלִין:** Wine that was mixed with either honey or peppers cannot subsequently be rendered prohibited by a gentile's touch, provided that the taste of the wine was altered by the added ingredient (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:10; *Shulḥan Arukh*, *Yoreh De'a* 123:4, and in the comment of Rema).

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רַבָּה וְרַב יוֹסֵף דְּאָמְרִי תַּרְוַיְיהוּ: יַיִן מָזוּג אֵין בּוֹ מִשּׁוּם גִּילּוּי, יַיִן מְבוּשָּׁל אֵין בּוֹ מִשּׁוּם נִיסּוּךְ. אִיבַּעְיָא לְהוּ: יַיִן מְבוּשָּׁל, יֵשׁ בּוֹ מִשּׁוּם גִּילּוּי אוֹ אֵין בּוֹ מִשּׁוּם גִּילּוּי? תָּא שְׁמַע: הֵעִיד רַבִּי יַעֲקֹב בַּר אִידִי עַל יַיִן מְבוּשָּׁל שֶׁאֵין בּוֹ מִשּׁוּם גִּילּוּי.

Rabba and Rav Yosef both say: Diluted wine is not subject to the *halakha* of **exposure,**[BH] according to which the consumption of a liquid is prohibited if it is left uncovered; and **cooked wine is not subject to** the *halakha* of **libation,** which prohibits deriving benefit from wine that has been in a gentile's possession. **A dilemma was raised before them:** With regard to **cooked wine, is it subject to** the *halakha* of **exposure, or is it not subject to** the *halakha* of **exposure?** The Gemara resolves the dilemma: **Come** and **hear: Rabbi Ya'akov bar Idi testified about cooked wine** and stated **that it is not subject to** the *halakha* of **exposure.**

רַבִּי יַנַּאי בַּר יִשְׁמָעֵאל חֲלַשׁ, עַל לְגַבֵּיהּ רַבִּי יִשְׁמָעֵאל בֶּן זֵירוּד וְרַבָּנַן לְשַׁיּוֹלֵי בֵּיהּ. יָתְבִי וְקָא מְבָעֲיָא לְהוּ: יַיִן מְבוּשָּׁל, יֵשׁ בּוֹ מִשּׁוּם גִּילּוּי אוֹ אֵין בּוֹ מִשּׁוּם גִּילּוּי? אֲמַר לְהוּ רַבִּי יִשְׁמָעֵאל בֶּן זֵירוּד: הָכִי אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ מִשּׁוּם גַּבְרָא רַבָּה, וּמַנּוּ? רַבִּי חִיָּיא: יַיִן מְבוּשָּׁל אֵין בּוֹ מִשּׁוּם גִּילּוּי. אֲמַרוּ לֵיהּ: נִסְמוֹךְ? מַחֲוֵי לְהוּ רַבִּי יַנַּאי בַּר יִשְׁמָעֵאל: עָלַי וְעַל צַוָּארִי.

The Gemara cites another proof that cooked wine is not subject to the *halakha* of exposure. When **Rabbi Yannai bar Yishmael became ill, Rabbi Yishmael ben Zeirud and** other **Sages went to him to inquire** about **his** health. **They were seated, and** this very **dilemma was raised before them:** With regard to **cooked wine, is it subject to** the *halakha* of **exposure, or is it not subject to** the *halakha* of **exposure? Rabbi Yishmael ben Zeirud said to them: This is what Rabbi Shimon ben Lakish says in the name of a great man.** Parenthetically, the Gemara asks: **And who is** this great man? He is **Rabbi Ḥiyya.** He said: **Cooked wine is not subject to** the *halakha* of **exposure.**[H] The Sages **said to** Rabbi Yishmael ben Zeirud: **Shall we rely** on this claim? **Rabbi Yannai bar Yishmael motioned to them: Upon me and upon my neck,** i.e., you can certainly rely on this claim.

שְׁמוּאֵל וְאַבְלַט הֲווּ יָתְבִי, אַיְיתוּ לְקַמַּיְיהוּ חַמְרָא מְבֻשְּׁלָא, מַשְׁכֵּיהּ לִידֵיהּ; אֲמַר לֵיהּ שְׁמוּאֵל, הֲרֵי אָמְרוּ: יַיִן מְבוּשָּׁל אֵין בּוֹ מִשּׁוּם יֵין נֶסֶךְ.

The Gemara relates another incident: **Shmuel and Ablet,**[P] a gentile scholar, **were sitting** together, **and** others **brought cooked wine before them.** Ablet **withdrew his hand**[N] to avoid rendering the wine prohibited to Shmuel. Seeing this, **Shmuel said to** Ablet that the Sages **said: Cooked wine is not subject to** the prohibition of **wine** used for **a libation,**[NH] and therefore you need not withdraw your hand on my account.

אַמְתֵּיהּ דְּרַבִּי חִיָּיא אִיגַּלּוּיֵי לָהּ הַהוּא חַמְרָא מְבֻשְּׁלָא, אָתְיָא לְקַמֵּיהּ דְּרַבִּי חִיָּיא; אֲמַר לָהּ, הֲרֵי אָמְרוּ: יַיִן מְבוּשָּׁל אֵין בּוֹ מִשּׁוּם גִּילּוּי. שַׁמָּעֵיהּ דְּרַב אַדָּא בַּר אַהֲבָה אִיגַּלֵּי לֵיהּ חַמְרָא מְזִיגָא, אֲמַר לֵיהּ, הֲרֵי אָמְרוּ: יַיִן מָזוּג אֵין בּוֹ מִשּׁוּם גִּילּוּי.

The Gemara cites yet another incident: **Rabbi Ḥiyya's maidservant** noticed that **a certain** container of **cooked wine had become exposed. She came before Rabbi Ḥiyya,** who **said to her** that the Sages **said: Cooked wine is not subject to** the *halakha* of **exposure.** Similarly, **Rav Adda bar Ahava's attendant** noticed that **a certain** container of **diluted wine had become exposed.** Rav Adda bar Ahava **said to him** that the Sages **said: Diluted wine is not subject to** the *halakha* of **exposure.**

אֲמַר רַב פַּפָּא: לָא אֲמַרַן אֶלָּא דִּמְזִיג טוֹבָא, אֲבָל מְזִיג וְלָא מְזִיג – שָׁתֵי. וּמְזִיג וְלָא מְזִיג מִי שָׁתֵי? וְהָא רַבָּה בַּר רַב הוּנָא הֲוָה קָאָזֵיל בְּאוֹרְבָּא וַהֲוָה נָקֵיט חַמְרָא בַּהֲדֵיהּ, וְחָזְיֵיהּ לְהַהוּא חִיוְיָא דְּצָרֵי וְאָתֵי, אֲמַר לֵיהּ לְשַׁמָּעֵיהּ: סְמֵי עֵינֵיהּ דְּדֵין, שָׁקֵיל קָלֵי מַיָּא שְׁדָא בֵּיהּ, וְסָר לַאֲחוֹרֵיהּ!

Rav Pappa said: We said that wine is not subject to the *halakha* of exposure **only** in a case **where it was well diluted, but** where it was only **partially diluted** a snake might still **drink** from it, and therefore it is prohibited. The Gemara rejects this claim: **And** is it correct that a snake **drinks partially diluted** wine? **But wasn't Rabba bar Rav Huna** once **traveling on a ship while carrying** a jug of **wine with him, and he saw a certain snake that slithered and approached** the wine. **He said to his attendant: Remove the eyes of this** serpent, i.e., do something that will cause the snake to leave. His attendant **took a bit of water and threw it in** the wine, **and** the snake **turned away.** This indicates that snakes do not drink partially diluted wine.

BACKGROUND

Exposure – גִּילּוּי: The Sages feared that a poisonous snake might drink from certain liquids and deposit venom in them. Due to this danger, they rendered it prohibited to drink wine, water, and other liquids that were left exposed and unattended. It was also prohibited to use wine or water that was left exposed and unattended as a libation on the Temple altar.

PERSONALITIES

Ablet – אַבְלַט: Ablet was a gentile scholar who was very close to Shmuel. The Talmud relates several encounters and discussions between them. Ablet was familiar with Jewish customs, and in the Jerusalem Talmud several other conversations between him and Jewish Sages are recorded. Although Ablet's origins are unknown, his name indicates that he might have been Babylonian, as it is apparently derived from the Babylonian name Sanballat.

NOTES

Withdrew his hand – מַשְׁכֵּיהּ לִידֵיהּ: As explained in the fourth chapter of this tractate, the Sages ordained that it is prohibited to benefit from the wine of a Jew that a gentile intentionally touched. This is due to the concern that the gentile might have intended to dedicate it for the purpose of idolatrous libations.

Is not subject to the prohibition of wine used for a libation – אֵין בּוֹ מִשּׁוּם יֵין נֶסֶךְ: Since cooked wine is never used for idolatrous libations, the Sages permitted its consumption, as indicated by the incident involving Shmuel.

HALAKHA

Diluted wine is not subject to the *halakha* of exposure – יַיִן מָזוּג אֵין בּוֹ מִשּׁוּם גִּילּוּי: Even diluted wine and wine that has begun to sour are subject to the *halakha* of exposure. The *Shulḥan Arukh* writes that since snakes are not commonly found nowadays, liquids that have been exposed are permitted. Nevertheless, some later authorities write that it is preferable to avoid drinking them (Rambam *Sefer Nezikin, Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:7; *Shulḥan Arukh, Yoreh De'a* 116:1 and *Pitḥei Teshuva* there).

Cooked wine is not subject to the *halakha* of exposure – יַיִן מְבוּשָּׁל אֵין בּוֹ מִשּׁוּם גִּילּוּי: The *halakha* of exposure does not apply to cooked wine (Rambam *Sefer Nezikin, Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:8; *Tur, Yoreh De'a* 116).

Cooked wine is not subject to the prohibition of wine used for a libation – יַיִן מְבוּשָּׁל אֵין בּוֹ מִשּׁוּם יֵין נֶסֶךְ: Cooked wine belonging to a Jew that was touched by a gentile is not prohibited, in accordance with the statement of Rava. In this context, cooking means bringing the wine to a boil (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 11:9; *Shulḥan Arukh, Yoreh De'a* 123:3).

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אַחַיָּיא מָסַר נַפְשֵׁיהּ, אַמְּזִיגָא לָא מָסַר נַפְשֵׁיהּ.

The Gemara rejects this conclusion: **For undiluted** wine, a snake **will risk its life** by exposing itself to humans, but **for diluted** wine, a snake **will not risk its life.** But in either case, if the wine is left unguarded, a snake will drink from it.

וְאַמְּזִיגָא לָא מָסַר נַפְשֵׁיהּ? וְהָא רַבִּי יַנַּאי הֲוָה בֵּי עַכְבּוֹרֵי, וְאָמְרִי לֵיהּ: בַּר הָדָיָא הֲוָה בֵּי עַכְבּוֹרֵי, הֲווּ יָתְבִי וְהֲווּ קָא שָׁתוּ חַמְרָא מְזִיגָא, פָּשׁ לְהוּ חַמְרָא בְּכוּבָּא וְצָרוּנְהִי בִּפְרוֹנְקָא, וְחַזְיָא לְהַהוּא חִיוְיָא דְּשָׁקֵיל מַיָּא וּרְמָא בְּכוּבָּא עַד דְּמָלֵא בְּכוּבָּא, וְסָלֵיק חַמְרָא עִילָּוֵיהּ פְּרוֹנְקָא וְשָׁתֵי!

The Gemara raises a difficulty: **And** is it true that **for diluted wine** a snake **will not risk its life? But wasn't Rabbi Yannai** once in **Bei Akhborei,**[B] **and some say** that it was **bar Hadaya** who **was** in **Bei Akhborei,** and others **were sitting** with him **and drinking diluted wine.** When they finished, **they had some wine left in the container** [*bekhuva*],[L] **and they covered it with a cloth. And** then **they saw a certain snake take water** in its mouth **and pour it** through the cloth **into the container until** the liquid **filled the container and the wine flowed over** the **cloth, and** the snake **drank** the overflowing wine. This shows that a snake will risk its life to drink diluted wine.

אָמְרִי: דְּמָזִיג אִיהוּ שָׁתֵי, דְּמְזִיגִי אַחֲרִינֵי לָא שָׁתֵי.

The Sages **say** in response: Wine **that** the snake **itself diluted, it does drink.** Wine **that another diluted, it does not drink.**[N] In other words, a snake does not drink diluted wine unless it was diluted by the snake itself. Accordingly, even partially diluted wine is not subject to the *halakha* of exposure.

אָמַר רַב אַשִׁי, וְאִיתֵימָא רַב מְשַׁרְשִׁיָּא: פִּירוּקָא לְסַכָּנְתָא?! אָמַר רָבָא, הִלְכְתָא: יַיִן מָזוּג – יֵשׁ בּוֹ מִשּׁוּם גִּילּוּי וְיֵשׁ בּוֹ מִשּׁוּם יֵין נָסָךְ, יַיִן מְבוּשָּׁל – אֵין בּוֹ מִשּׁוּם גִּילּוּי וְאֵין בּוֹ מִשּׁוּם יֵין נָסָךְ.

Rav Ashi says, and some say that it was **Rav Mesharshiyya** who says: Are you providing **a resolution for** a situation involving **danger?** In other words, one may not endanger lives by subscribing to such reasoning. **Rava said: The *halakha*** is that **diluted wine is subject to** the *halakha* of **exposure and is** also **subject to** the prohibition of **wine** used as **a libation**[H] for idolatry; **cooked wine is not subject to** the *halakha* of **exposure and is not subject to** the prohibition of **wine** used for **a libation** either.

שַׁמָּעֵיהּ דְּרַב חִלְקִיָּה בַּר טוֹבִי אִיגַּלְיָא דַּהֲוּא קִיסְתָּא דְּמַיָּא וַהֲוָה נָיֵים גַּבָּהּ, אֲתָא לְגַבֵּיהּ דְּרַב חִלְקִיָּה בַּר טוֹבִי; אֲמַר לֵיהּ, הֲרֵי אָמְרוּ: אֵימַת יָשֵׁן עֲלֵיהֶן. וְהָנֵי מִילֵּי בִּימָמָא, אֲבָל בְּלֵילְיָא לָא. וְלָא הִיא, לָא שְׁנָא בִּימָמָא וְלָא שְׁנָא בְּלֵילְיָא – אֵימַת יָשֵׁן עֲלֵיהֶן לָא אָמְרִינַן.

§ After discussing exposed wine, the Gemara addresses the matter of exposed water. **The attendant of Rav Ḥilkiya bar Tovi** noticed that **a certain jug of water had become exposed, and he had been sleeping near it. He went to Rav Ḥilkiya bar Tovi** to determine the halakhic status of the exposed water. Rav Ḥilkiya **said to him** that the Sages **said: Fear of a sleeping person is upon them,**[H] i.e., snakes will not attempt to drink from a container that is near a person, even if he is asleep. **And this matter** applies only **during the day, but not at night.** The Gemara comments: **But** that **is not so.** Rather, there is **no difference** between one who sleeps **during the day and** one who sleeps **during the night.** In both cases, **we do not say** that the **fear of a sleeping person is upon** the snakes.

רַב לָא שָׁתֵי מִבֵּי אַרְמָאָה, אֲמַר: לָא זְהִירִי בְּגִילּוּי; מִבֵּי אַרְמַלְתָּא שָׁתֵי, אֲמַר: סִירְכָא דְּגַבְרָא נְקִיטָא.

The Gemara presents the opinions of Rav and Shmuel with regard to various sources of water. **Rav would not drink** water **from the house of an Aramean,** as **he said: They are not careful with** regard to **exposure.** But **he would drink** water **from the house of a widow,**[N] as **he said: She upholds her** late **husband's conventions** and ensures that liquids are not left uncovered.

BACKGROUND

Bei Akhborei – בֵּי עַכְבּוֹרֵי: Bei Akhborei, also known as Akhborei, is located southeast of Safed. The place is called Akhbara to this day.

Location of Akhborei in the Galilee

LANGUAGE

Container [*kuva*] – כּוּבָּא: Apparently this is a Semitic term related to the Arabic كوب, *kūb*, which refers to a large, mug-like container without handles. It is somewhat similar to the Hebrew word *kuba'at*, meaning a chalice. Wine was often poured into this vessel from a barrel, and it was typically used for holding wine temporarily before it was served and drunk.

NOTES

Wine that another diluted it does not drink – דְּמְזִיגִי אַחֲרִינֵי לָא שָׁתֵי: This answer is problematic, as the wine mentioned in the anecdote was diluted before the snake added the water, and yet the snake did not hesitate to approach it. Perhaps the idea is that if the snake adds its own dilution it will drink the wine, regardless of whether or not it was diluted beforehand. Rabbeinu Ḥananel cites a different version of the text, which omits from the incident in question the word diluted. According to this version, the wine was diluted only by the snake.

From the house of a widow – מִבֵּי אַרְמַלְתָּא: It is assumed that in general women are not particularly careful about the *halakhot* of exposure.

HALAKHA

Is subject to the prohibition of wine used as a libation – יֵשׁ בּוֹ מִשּׁוּם יֵין נָסָךְ: Diluted wine that was touched by a gentile is prohibited. Although some commentaries maintain that any liquid in which the flavor of wine can be detected is subject to the prohibition of wine used for a libation (*Tur*), others write that one part wine diluted with six parts water is no longer subject to this prohibition. The *halakha* is in accordance with the latter opinion (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:9; *Shulḥan Arukh*, *Yoreh De'a* 123:8 and *Shakh* there).

Fear of a sleeping person is upon them – אֵימַת יָשֵׁן עֲלֵיהֶן: Liquids that are left exposed are rendered prohibited even if a person is sleeping near them, as it is assumed that snakes do not fear a sleeping human (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:11; *Tur*, *Yoreh De'a* 116).

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שְׁמוּאֵל לָא שָׁתֵי מַיָּא מִבֵּי אַרְמַלְתָּא, אֲמַר: לֵית לָהּ אֵימָתָא דְּגַבְרָא וְלָא מִיכַּסְיָא מַיָּא; אֲבָל מִבֵּי אֲרַמָּאָה שָׁתֵי, נְהִי דְּאַגִּילוּיָא לָא קָפְדִי, אַמְּנָקְרוּתָא מִיהָא קָפְדִי. אִיכָּא דְּאָמְרִי: רַב לָא שָׁתֵי מַיָּא מִבֵּי אֲרַמָּאָה, אֲבָל מִבֵּי אַרְמַלְתָּא שָׁתֵי; שְׁמוּאֵל לָא שָׁתֵי מַיָּא, לָא מִבֵּי אֲרַמָּאָה וְלָא מִבֵּי אַרְמַלְתָּא.

By contrast, **Shmuel would not drink water from the house of a widow,** as **he said: She no** longer **has the fear of a man upon her, and** therefore **she does not** necessarily **cover the water. But he would drink** water **from the house of an Aramean,** as he said: **Granted that they are not particular about** the *halakha* of **exposure,** but **in any event they are particular about cleanliness,** and will cover it for hygienic reasons, if not halakhic ones. The Gemara cites a different version: **Some say** that **Rav would not drink water from the house of an Aramean, but he would drink** water **from the house of a widow. Shmuel would not drink water either from the house of an Aramean or from the house of a widow.**

אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: שָׁלֹשׁ יֵינוֹת הֵן וְאֵין בָּהֶן מִשּׁוּם גִּילּוּי, וְאֵלּוּ הֵן: חַד, מַר, מָתוֹק; חַד – טִילָא חֲרִיפָא דְּמַצֵּרֵי זִיקֵּי, מַר – יַרְנָקָא, מָתוֹק – חוּלְיָא. רַב חָמָא מַתְנֵי לְעִילּוּיָא: חַד – חֲמַר וּפִלְפְּלִין, מַר – אַפְּסִינְתִּין, מָתוֹק – מֵי בַּאֲרָג.

Rabbi Yehoshua ben Levi says: There are three kinds of **wines**[H] **that are not subject to** the *halakha* of **exposure, and they are: Sharp, bitter,** and **sweet** wines. **Sharp** is referring to **acrid wine** [***tila***][L] **that cracks the jug,** due to its acidity. **Bitter** is referring to ***yarneka***.[L] **Sweet** is referring to **sweetened wine.**[N] These three wines that Rabbi Yehoshua ben Levi says are not subject to the *halakha* of exposure are all of low quality. **Rav Ḥama teaches** that the three wines are **of high quality: Sharp** is referring to **wine** mixed with **peppers. Bitter** is referring to wine mixed with **wormwood** [***apsintin***].[L] **Sweet** is referring to ***mei barg,***[L] a choice beverage.

אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: קָרִינָא אֵין בּוֹ מִשּׁוּם גִּילּוּי. מַאי קָרִינָא? אָמַר רַבִּי אַבָּהוּ: חַמְרָא חַלְיָא דְּאָתֵי מֵעַסְיָא. אָמַר רָבָא: וּבְמָקוֹמוֹ יֵשׁ בּוֹ מִשּׁוּם גִּילּוּי; מַאי טַעְמָא? חֲמַר מְדִינָה הוּא. אָמַר רָבָא: הַאי חַמְרָא דְּאַקְרִים, עַד תְּלָתָא יוֹמֵי – יֵשׁ בּוֹ מִשּׁוּם גִּילּוּי וּמִשּׁוּם יֵין נֶסֶךְ,

Rabbi Shimon ben Lakish says: *Karina*[L] **is not subject to** the *halakha* of **exposure.** The Gemara asks: **What** is ***karina*? Rabbi Abbahu said:** It is **sweet wine that comes from Asia** [***Asya***][L] Minor. **Rava says: But in its place** of origin **it is subject to** the *halakha* of **exposure. What is the reason?** The reason is that there, **it is the wine of the province** and snakes do not hesitate to drink from it. **Rava said:** With regard to **this wine that has soured** [***de'akrim***],[HL] **until three days**[N] have passed from when it began to sour, **it is subject to** the *halakha* of **exposure and is subject to** the prohibition of **wine** used for **a libation.**[H]

NOTES

Sweetened wine – חוּלְיָא: Rashi explains that this is a low-quality wine prepared from grapes that were dried and sweetened by the sun. It is indicated in the Jerusalem Talmud that in this context the term sweet wine refers to wine that was cooked for the purpose of sweetening it.

Until three days – עַד תְּלָתָא יוֹמֵי: At first this wine only smells like vinegar but retains the taste of wine. After three days, it sours completely and tastes like vinegar as well.

HALAKHA

There are three kinds of wines, etc. – שָׁלֹשׁ יֵינוֹת הֵן וכו׳: Wine that was mixed with spices, e.g., peppers, or a bitter flavor to the extent that the taste of the wine is altered by the added ingredient is not subject to the *halakha* of exposure. The same applies to any other beverage that is mixed with these ingredients (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:10).

Wine that has soured – חֲמָרָא דְּאַקְרִים: Wine that has begun to turn into vinegar remains subject to the *halakha* of exposure until it has soured completely (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:7; *Tur*, *Yoreh De'a* 116, and *Beit Yosef* and *Perisha* there).

Subject to the prohibition of wine used for a libation – מִשּׁוּם יֵין נֶסֶךְ: The Rambam rules that wine that has begun to sour but can still be drunk is rendered prohibited by a gentile's touch, in accordance with the statement of Rava. The *Shulḥan Arukh* notes that we are unable to discern the precise point at which wine becomes vinegar. Therefore, only wine that has soured to the point that it effervesces when poured on a surface is no longer prohibited by being touched by a gentile (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:9; *Shulḥan Arukh*, *Yoreh De'a* 123:6–7).

LANGUAGE

Acrid wine [*tila*] – טִילָא: This term has a corollary, or perhaps a source, in the Arabic word طلاء, *tilā'*, which refers to sharp wines.

***Yarneka* – יַרְנָקָא:** An alternative version of the text reads *yarkona*, which means vegetables (*Arukh*). Some explain that according to that version, Rabbi Yehoshua ben Levi is referring to wine mixed with certain vegetables that give it a bitter taste.

Wormwood [*apsintin*] – אַפְּסִינְתִּין: From the Greek ἀψίνθιον, *apsinthion*, a wine spiced with wormwood. This drink is still prepared nowadays and is known as absinthe.

***Mei barg* – מֵי בַּאֲרָג:** Some manuscripts and the *ge'onim* have a different version of the text, which reads: *Mei badag*, apparently deriving from the Middle Iranian may ī bādag, which means sweet wine.

***Karina* – קָרִינָא:** Apparently from the Greek κάροινον, *karoinon*, a very sweet wine that is boiled in order to increase its concentration and sweetness.

Asia [*Asya*] – עַסְיָא: From the Greek Ἀσία, *Asia*, which refers to the region known as Asia Minor. Additionally, Asia was the name of a Roman province located in this region. Apparently the Sages use this term in reference to a particular district somewhere in Asia Minor.

That has soured [*de'akrim*] – דְּאַקְרִים: The word *de'akrim* literally means that the item in question has developed a film over its outer layer. Some commentaries therefore explain that the Gemara is referring to soured wine on top of which a thin skin is formed. Other versions of the text read *de'akris*, which is possibly from the Latin term acris, meaning sour. Yet others suggest that it is from the Greek ὀξύς, *oxus*, which also refers to a sour substance.

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מִכָּאן וְאֵילָךְ – אֵין בּוֹ מִשּׁוּם גִּילּוּי וְאֵין בּוֹ מִשּׁוּם יַיִן נֶסֶךְ; וּנְהַרְדְּעֵי אָמְרִי: אֲפִילּוּ לְבָתַר תְּלָתָא יוֹמֵי חָיְישִׁינַן מִשּׁוּם גִּילּוּי, מַאי טַעְמָא? זִימְנִין מִיקְרֵי שָׁתֵי.

From this point **forward,**[N] **it is not subject to** the *halakha* of **exposure and is not subject to** the prohibition of **wine** used for **a libation. And** the Sages **of Neharde'a say: Even after three days, we are concerned with regard to exposure. What is the reason?** It is because at **times** it **occurs** that a snake **drinks** even sour wine.

תָּנוּ רַבָּנַן: יַיִן תּוֹסֵס אֵין בּוֹ מִשּׁוּם גִּילּוּי, וְכַמָּה תְּסִיסָתוֹ? שְׁלֹשָׁה יָמִים. הַשַּׁחֲלִים אֵין בָּהֶם מִשּׁוּם גִּילּוּי, וּבְנֵי גּוֹלָה נָהֲגוּ בָּהֶן אִיסּוּר. וְלָא אֲמַרַן אֶלָּא דִּלֵּית בְּהוּ חַלָּא, אֲבָל אִית בְּהוּ חַלָּא – מִיגְּרֵי בְּהוּ.

§ The Gemara discusses the *halakha* of exposure with regard to various foods and beverages. **The Sages taught: Wine** that is still **fermenting is not subject to** the *halakha* of **exposure.**[H] **And how long is its fermentation** process? It is **three days. Cress**-based[BN] dishes **are not subject to** the *halakha* of **exposure, but the residents of the Diaspora**[N] are **accustomed to** treating **them** as **prohibited** if they were left exposed. **And we said** this **only** in a case **where** the dishes **do not contain vinegar; but** if **they** do **contain vinegar,** the vinegar **repels** the snakes,[N] and in such a situation even the inhabitants of the Diaspora do not treat them as prohibited.

כּוּתָּח הַבַּבְלִי אֵין בּוֹ מִשּׁוּם גִּילּוּי, וּבְנֵי גּוֹלָה נָהֲגוּ בּוֹ אִיסּוּר. אָמַר רַב מְנַשֶּׁה: אִי אִית בֵּיהּ נְקוּרֵי חָיְישִׁינַן. אָמַר רַב חִיָּיא בַּר אַשִׁי אָמַר שְׁמוּאֵל: מֵי טִיף טִיף אֵין בּוֹ מִשּׁוּם גִּילּוּי. אֲמַר רַב אַשִׁי: וְהוּא דְּעָבֵיד טִיף לַהֲדֵי טִיף טִיף.

The Gemara continues: **Babylonian *kutaḥ,***[BN] a popular dip, **is not subject to** the *halakha* of **exposure, but the residents of the Diaspora** are **accustomed to** treating **it** as **prohibited. Rav Menashei said: If** the *kutaḥ* **has indentations** in it, **we are concerned** that they are from a snake's fangs, and it is therefore prohibited. **Rav Ḥiyya bar Ashi says** that **Shmuel says: Dripping water**[HN] **is not subject to** the *halakha* of **exposure** while it is being collected. **Rav Ashi said: And that** is the *halakha* only in a case **where** the dripping **occurs** one **drop** immediately **after** another **drop,**[N] i.e., continuously, as the snake will not drink from it in that circumstance.

אָמַר רַב חִיָּיא בַּר אַשִׁי אָמַר שְׁמוּאֵל: פִּי תְּאֵנָה אֵין בּוֹ מִשּׁוּם גִּילּוּי. כְּמַאן? כִּי הַאי תַּנָּא; דְּתַנְיָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר: אוֹכֵל אָדָם עֲנָבִים וּתְאֵנִים בַּלַּיְלָה וְאֵינוֹ חוֹשֵׁשׁ, מִשּׁוּם שֶׁנֶּאֱמַר: "שֹׁמֵר פְּתָאִים ה'".

Rav Ḥiyya bar Ashi says that **Shmuel says: The mouth of a fig**[HN] **is not subject to** the *halakha* of **exposure. In accordance with whose** opinion is this stated? It is stated **in accordance with** the opinion of **this *tanna*, as it is taught** in a *baraita* that **Rabbi Eliezer said: A person may eat grapes and figs at night, and he** need **not** have cause for **concern, as it is stated: "The Lord preserves the simple"** (Psalms 116:6). This verse teaches that one need not fear that harm might befall him when he engages in commonplace activities.

HALAKHA

Wine that is fermenting is not subject to the *halakha* of exposure – יַיִן תּוֹסֵס אֵין בּוֹ מִשּׁוּם גִּילּוּי: The *halakha* of exposure does not apply to wine that is fermenting (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:8; *Tur*, *Yoreh De'a* 116).

Dripping water – מֵי טִיף טִיף: Water that is continuously dripping into a receptacle is not subject to the *halakha* of exposure for as long as it continues dripping. The *halakha* is in accordance with the opinion of Rav Ashi (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:8; *Tur*, *Yoreh De'a* 116).

The mouth of a fig, etc. – פִּי תְּאֵנָה וכו': A fig or a grape whose pedicel has been removed is not subject to the *halakha* of exposure, as the juice is not exposed (*Tur*, citing Rashba). It is therefore permitted to eat grapes and figs at night without concern (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:3; *Tur*, *Yoreh De'a* 116).

BACKGROUND

Cress – שַׁחֲלִים: Known today as garden cress, *Lepidium sativum* L. is an annual plant with green-blue leaves that reaches a height of approximately 60 cm. It is cultivated primarily for its branches, which are used as a spice, or for medicinal uses. For this purpose, the plant is regularly cut to a height of approximately 10 cm above the ground, and then allowed to grow again before it is cut once more.

Garden cress

Babylonian *kutaḥ* – כּוּתָּח הַבַּבְלִי: *Kutaḥ* was a commonly prepared dip in Babylonia, often eaten as an appetizer. It was made from whey, salt, and bread fermented to the point of moldiness, with the occasional addition of other spices.

NOTES

From this point forward – מִכָּאן וְאֵילָךְ: Three days after wine begins to spoil, it sours completely and turns into vinegar (Rabbeinu Ḥananel).

Cress – שַׁחֲלִים: Cress itself is not subject to the *halakha* of exposure at all, as it is a dry herb. The Gemara is referring to the various sauces and beverages prepared from cress (see Rashi and Rabbeinu Elḥanan). Some commentaries write that this includes all herb-based liquids (Meiri).

The residents of the Diaspora – בְּנֵי גּוֹלָה: Elsewhere the Gemara explains that the phrase: The residents of the Diaspora, is a reference to Rabbi Ḥiyya and his sons (see *Ḥullin* 86a). These Sages ascended from Babylonia to Eretz Yisrael, and were among the greatest scholars of their generation.

Repels the snakes – מִיגְּרֵי בְּהוּ: Rashi writes that liquids that contain vinegar harm snakes, and therefore they do not attempt to drink from them. Others maintain that the opposite is the case: Vinegar attracts snakes, and consequently even those living in Eretz Yisrael treat these liquids as prohibited if they are left exposed (Rashash; *Tosafot* on *Shabbat* 110a).

Babylonian *kutaḥ* – כּוּתָּח הַבַּבְלִי: This was a dip made of leftover bread and whey. Due to its sharp, bitter taste, snakes avoid it entirely.

Dripping water [*tif tif*] – מֵי טִיף טִיף: Rashi explains that this phrase, which literally means: Drop drop, is the name given to a vessel into which liquid is left to drip, e.g., a receptacle that is placed adjacent to a barrel that does not close properly.

One drop immediately after another drop – טִיף לַהֲדֵי טִיף טִיף: The sound of continuous dripping frightens the snake and prevents its approach. The Rambam notes that in the Jerusalem Talmud (*Terumot* 8:5) it is stated that a hot beverage is not subject to the *halakha* of exposure if it emanates steam, as this also frightens snakes.

The mouth of a fig – פִּי תְּאֵנָה: Some commentaries explain that there is no concern that a snake might have licked the juices found inside a fruit (Rabbeinu Ḥananel). The reason for this leniency is that these juices are not exposed (Rashba). Rashi states that the mouth of a fig is the fig's pedicel, after it has been plucked from the branch. Others write that it refers to the lower part of the fig, which develops a small slit as it ripens on the tree (Riaz). Either way, the Gemara is teaching that one need not be concerned with regard to exposure even if a fruit contains a small opening through which a snake's venom could theoretically pass. Nevertheless, if there is an indication that the fruit was pierced by a snake's fangs, it may not be eaten (*Tosafot*, citing *Ḥullin* 9a).

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אָמַר רַב סָפְרָא מְשׁוּם רַבִּי יְהוֹשֻׁעַ דְּרוֹמָא, שְׁלֹשָׁה מִינֵי אֶרֶס הֵן: שֶׁל בָּחוּר שׁוֹקֵעַ, שֶׁל בֵּינוֹנִי מְפַעְפֵּעַ, וְשֶׁל זָקֵן צָף. לְמֵימְרָא, דְּכַמָּה דְּקָשִׁישׁ כָּחוּשׁ חֵילֵיהּ? וְהָתַנְיָא: שְׁלֹשָׁה כָּל זְמַן שֶׁמַּזְקִינִין גְּבוּרָה מִתּוֹסֶפֶת בָּהֶן, אֵלּוּ הֵן: דָּג, נָחָשׁ, וְחֲזִיר! כֹּחַ אוֹסוּפֵי הוּא דְּקָא מְסִיף, זִיהֲרֵיהּ קָלִישׁ.

Rav Safra says in the name of Rabbi Yehoshua Deroma: There are three kinds of snake **venom:**[H] Venom **of a young** snake, which **sinks**[B] to the bottom when it is deposited in liquid; venom **of** a snake of **intermediate** age, i.e., a snake that is no longer young, which is **suspended** in the liquid; **and** venom **of an old** snake, which **floats** at the top. The Gemara asks: **Is this to say that as** a snake **ages, the strength of its** venom **becomes weaker? But isn't it taught** in a *baraita* that **three** creatures **become stronger as they age,**[B] and **they are: A fish, a snake, and a pig?** The Gemara answers: **It is** physically **that** a snake **strengthens,** but the potency of **its venom diminishes.**

שֶׁל בָּחוּר שׁוֹקֵעַ, לְמַאי הִלְכְתָא? דְּתַנְיָא: חָבִית שֶׁנִּתְגַּלָּה, אַף עַל פִּי שֶׁשָּׁתוּ מִמֶּנָּה תִּשְׁעָה וְלֹא מֵתוּ – לֹא יִשְׁתֶּה מִמֶּנָּה עֲשִׂירִי. מַעֲשֶׂה הָיָה שֶׁשָּׁתוּ מִמֶּנּוּ תִּשְׁעָה וְלֹא מֵתוּ, וְשָׁתָה עֲשִׂירִי וּמֵת; אָמַר רַבִּי יִרְמְיָה: זֶהוּ שׁוֹקֵעַ.

The Gemara asks: **With regard to what *halakha*** was it stated that the venom **of a young** snake **sinks?** The Gemara explains: **As it is taught** in a *baraita*: With regard to **a barrel that was uncovered, even though nine** people **drank from it and did not die,** the **tenth should not drink from it,** as the venom may have sunk to the bottom of the barrel. The Gemara relates that **there was an incident** in **which nine** people **drank from** an exposed barrel **and did not die, and a tenth** subsequently **drank** from it **and died. Rabbi Yirmeya says: This is** an example of venom that **sinks.**

וְכֵן אֲבַטִּיחַ שֶׁנִּתְגַּלָּתָה, אַף עַל פִּי שֶׁאָכְלוּ מִמֶּנָּה תִּשְׁעָה בְּנֵי אָדָם וְלֹא מֵתוּ – לֹא יֹאכַל מִמֶּנָּה עֲשִׂירִי. מַעֲשֶׂה הָיָה וְאָכְלוּ מִמֶּנָּה תִּשְׁעָה וְלֹא מֵתוּ, וְאָכַל עֲשִׂירִי וּמֵת; אָמַר רַבִּי: זֶהוּ שׁוֹקֵעַ.

And similarly, with regard to **a melon that was exposed, even though nine people ate from it and did not die,** the **tenth should not eat from it.** Again, **there was an incident** in which **nine** people **ate from** a melon **and did not die, and** the **tenth ate from it and died. Rabbi** Yehuda HaNasi **says: This is** an example of venom that **sinks.**

תָּנוּ רַבָּנַן: מַיִם שֶׁנִּתְגַּלּוּ – הֲרֵי זֶה לֹא יִשְׁפֹּךְ בִּרְשׁוּת הָרַבִּים, וְלֹא יְרַבִּיץ בָּהֶן אֶת הַבַּיִת, וְלֹא יָגֵבֵל בָּהֶן אֶת הַטִּיט, וְלֹא יַשְׁקֶה מֵהֶן לֹא בְּהֶמְתּוֹ וְלֹא בְּהֶמַת חֲבֵירוֹ, וְלֹא יִרְחַץ בָּהֶן פָּנָיו יָדָיו וְרַגְלָיו; אֲחֵרִים אוֹמְרִים: מָקוֹם שֶׁיֵּשׁ סִירְטָא – אָסוּר, אֵין סִירְטָא – מוּתָּר.

The Sages taught: With regard to **water that was exposed, one may not pour it**[HN] out **in the public thoroughfare, nor settle** dust **with it** by sprinkling it in **the house, nor mix clay with it, nor give it to drink** to **his animal**[N] **or the animal of another, nor wash**[B] **his face, hands, or feet with it.**[H] **Others say:** If the part that one is washing is **an area** of the body **that has a crevice** in it, it **is prohibited** to wash it with exposed water, as the venom may seep through the crevice; if the body part does **not have a crevice,** it **is permitted.**

אֲחֵרִים הַיְינוּ תַּנָּא קַמָּא! אִיכָּא בֵּינַיְיהוּ: גַּב הַיָּד וְגַב הָרֶגֶל וְרוּמְּנֵי דְּאַפֵּי.

The Gemara raises a difficulty: The opinion introduced with the phrase: **Others** say, **is** identical to the opinion of **the first *tanna*** of the *baraita*. Both hold that one may not wash his face, hands, and feet with exposed water, as these body parts have crevices in them. The Gemara explains: **There is** a difference **between them** with regard to **the back of the hand and the back of the foot, and the upper part of the face,** i.e., the area of the cheekbones. According to the opinion introduced with the phrase: Others say, it is permitted to wash those parts of the body, as they are free of crevices. According to the first *tanna* it is prohibited, as they are part of the face, hands, and feet.

HALAKHA

Three kinds of snake venom, etc. – שְׁלֹשָׁה מִינֵי אֶרֶס וכו': One may not drink from the liquid found in an exposed barrel, even if others have already drunk from it without apparent consequence, as stated in the *baraita*. Similarly, one may not eat from an exposed melon even if others have already done so (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:14; *Tur*, *Yoreh De'a* 116).

With regard to water that was exposed one may not pour it – מַיִם שֶׁנִּתְגַּלּוּ הֲרֵי זֶה לֹא יִשְׁפֹּךְ: One may not pour exposed water into a public thoroughfare, nor sprinkle a house with it, nor bathe in it, nor give it to an animal to drink. One may offer it to a cat (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:15; *Tur*, *Yoreh De'a* 116).

Nor wash his face, hands, or feet with it – וְלֹא יִרְחַץ בָּהֶן פָּנָיו יָדָיו וְרַגְלָיו: Exposed water may not be used for washing one's face, hands, and feet, in accordance with the opinion of the first *tanna* (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:15; *Tur*, *Yoreh De'a* 116).

NOTES

One may not pour, etc. – לֹא יִשְׁפֹּךְ וכו': The reason for this prohibition is that there is a concern that a person with a wounded foot might step through the poured water and will be vulnerable to the venom contained within. The same rationale applies to the prohibition of sprinkling the water in a house. Similarly, mixing clay with exposed water is prohibited due to the concern that it will enter a wound in one's hands.

His animal, etc. – בְּהֶמְתּוֹ וכו': One may not give his own animal exposed water due to the prohibition: Do not destroy. Giving exposed water to the animal of another is also prohibited due to the prohibition against damaging another's property.

BACKGROUND

Venom of a young snake, which sinks – שֶׁל בָּחוּר שׁוֹקֵעַ: Snake venom is generally denser than water and therefore sinks to the bottom of a water-filled container. Nevertheless, this is dependent upon the venom's concentration; if it contains a certain percentage of some other liquid it may not sink so easily. The potency of the venom varies with the type of snake as well as its age. Additionally, the amount of venom excreted differs from time to time.

As they age – כָּל זְמַן שֶׁמַּזְקִינִין: Certain organisms, including snakes and fish, never reach a point in their development where they stop growing. Although the animal's speed and stamina may deteriorate with time, the physical strength of its muscles only increases.

Nor wash, etc. – וְלֹא יִרְחַץ וכו': The caution one should exercise with regard to snake venom varies according to the type of snake. Most of the venomous snakes in Eretz Yisrael are vipers, whose venom is comprised primarily of damaging enzymes that have no effect on one's skin, and is harmful only when applied to an open wound or injected into the bloodstream. Other types of snakes, e.g., cobras, employ a neurotoxic venom that can enter the body through one's eyes. The Sages therefore prohibit washing one's face with water that might contain such a poison.

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אָמַר מָר: לֹא יַשְׁקֶה מֵהֶן לֹא בְּהֶמְתּוֹ וְלֹא בֶּהֱמַת חֲבֵירוֹ. וְהָתַנְיָא: אֲבָל מַשְׁקֶהוּ לִבְהֶמַת עַצְמוֹ! כִּי תַּנְיָא הַהִיא – לְשׁוּנָּרָא. אִי הָכִי, דְּחַבְרֵיהּ נַמִי! דְּחַבְרֵיהּ כְּחִישׁ. דִּידֵיהּ נַמִי כְּחִישׁ! הֲדַר בָּרִיא. דְּחַבְרֵיהּ נַמִי הֲדַר בָּרִיא! זִימְנִין דְּבָעֵי לְזַבּוּנָא וּמַפְסִיד לֵיהּ מִינַּיהּ.

The Master said above concerning exposed water: **Nor give it to drink** to **his animal or the animal of another.** The Gemara asks: **But isn't it taught** in a *baraita*: **But one may give** exposed water to **his own animal to drink?** The Gemara answers: **When that** *baraita* **is taught,** it is referring **to a cat,**[NB] as cats are less susceptible to snake venom. The Gemara challenges: **If that is so,** let him **also** give the water to the cat **of another.** The Gemara explains: The venom **weakens** the cat **of another.** The Gemara challenges: But doesn't the venom **also weaken his** own cat? The Gemara explains: **It** will **later recover.** The Gemara challenges: The cat **of another** will **also recover later.** The Gemara explains: Although both will eventually recover, there are **times that** the owner **wishes to sell** the cat **and loses** potential profit **from** the cat's current weakness.

אָמַר רַבִּי אַסִי אָמַר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי יְהוּדָה בֶּן בְּתֵירָא, שְׁלֹשָׁה יֵינוֹת הֵן: יֵין נֶסֶךְ – אָסוּר בַּהֲנָאָה וּמְטַמֵּא טוּמְאָה חֲמוּרָה בִּכְזַיִת,

Rabbi Asi says that **Rabbi Yoḥanan says in the name of Rabbi Yehuda ben Beteira: There are three** kinds of prohibited **wines:** It is **prohibited to** derive **benefit from wine** used for **a libation,**[H] **and** the wine **imparts severe** ritual **impurity**[H] **when** it has the volume of **an olive-bulk.**

NOTES

To a cat – לְשׁוּנָּרָא: Rashi explains that a cat is immune to the venom of a snake, and therefore there is no concern that one might violate the prohibition: Do not destroy. Other commentaries indicate that the initial concern was that the animal's owner might eat his animal after it had drunk the exposed water (Ran). If so, a cat is used merely as an example, as the same applies to any other non-kosher animal (*Beit Yosef*).

BACKGROUND

Cat – שׁוּנָּרָא: Cats are able to hunt snakes and eat them, due to their speed and agility. Additionally, cats are somewhat less susceptible to snake venom than other creatures. In general, snake venom is not harmful when consumed, unless one has a wound in his intestines.

HALAKHA

It is prohibited to derive benefit from wine used for a libation – יֵין נֶסֶךְ אָסוּר בַּהֲנָאָה: As mentioned on 29b, the Torah renders it prohibited to derive benefit from wine that was used for a libation in idol worship. One who drinks any amount of such wine is liable to receive lashes (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:1 and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 123:1).

And imparts severe ritual impurity – וּמְטַמֵּא טוּמְאָה חֲמוּרָה: Wine used for a libation imparts ritual impurity to people and vessels through physical contact, and to earthenware through its airspace. Additionally, it transmits impurity to one who carries it, like an unslaughtered animal carcass. This *halakha* is in accordance with the opinion of the Rabbis mentioned in *Ḥullin* 13b, who dispute the ruling of Rabbi Yehuda ben Beteira (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 6:8).

Perek **II**
Daf **31** Amud **a**

סְתָם יֵינָם – אָסוּר בַּהֲנָאָה וּמְטַמֵּא טוּמְאַת מַשְׁקִין בִּרְבִיעִית, הַמַּפְקִיד יֵינוֹ אֵצֶל גּוֹי – אָסוּר בִּשְׁתִיָּה וּמוּתָּר בַּהֲנָאָה.

It is **prohibited to** derive **benefit from nondescript wine** of a gentile,[H] **and** the wine **imparts the ritual impurity of liquids**[H] **when** it has the volume of **one-quarter** of a *log*.[N] With regard to the wine of **one who deposits his wine with a gentile,**[H] one is **prohibited from drinking** it, **but** one is **permitted to** derive **benefit** from it.

HALAKHA

Nondescript wine of a gentile – סְתָם יֵינָם: This refers to wine of gentiles in circumstances where it is unknown whether it was used as a libation for idolatry. Deriving benefit from such wine is prohibited by rabbinic law. One who drinks one-quarter of a *log* of this wine receives lashes for rebelliousness, as is the case with regard to all prohibited liquids, despite the fact that any amount of them is prohibited (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:3, and see *Leḥem Mishne* there).

And imparts the ritual impurity of liquids – וּמְטַמֵּא טוּמְאַת מַשְׁקִין: One-quarter of a *log* of nondescript wine belonging to gentiles imparts ritual impurity to liquids and foods (Rambam *Sefer Tahara*, *Hilkhot Avot HaTumot* 6:8 and see *Kesef Mishne* there).

One who deposits his wine with a gentile – הַמַּפְקִיד יֵינוֹ אֵצֶל גּוֹי: Wine deposited with a gentile that is sealed with only a single seal may not be consumed, but benefit may be derived from it. This leniency applies if the gentile designated a space for it that was accessible only to a Jew, in accordance with the Gemara's explanation of the *baraita* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:9; *Shulḥan Arukh*, *Yoreh De'a* 130:2, and in the comment of Rema).

NOTES

The ritual impurity of liquids when it has the volume of one-quarter of a *log* – טוּמְאַת מַשְׁקִין בִּרְבִיעִית: Rashi explains that unlike wine used for a libation, nondescript wine belonging to gentiles is similar to any other liquid with regard to ritual impurity. In other words, one-quarter of a *log* of this wine is susceptible to ritual impurity and imparts impurity to other foods and liquids only if it comes into contact with a creeping animal. Others maintain that the Sages decreed that wine belonging to a gentile always imparts ritual impurity, even if it did not come into contact with a creeping animal (Rabbeinu Elḥanan; see Rambam). According to this interpretation, the mention of one-quarter of a *log* is a leniency: The Sages applied this decree only to quantities of wine equal to or greater than one-quarter of a *log*.

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וְהָתְנַן: הַמַּפְקִיד פֵּירוֹתָיו אֵצֶל גּוֹי – הֲרֵי הֵן כִּפֵּירוֹתָיו שֶׁל גּוֹי לִשְׁבִיעִית וּלְמַעֲשֵׂר! כְּגוֹן שֶׁייִחֵד לוֹ קֶרֶן זָוִית.

The Gemara raises a difficulty: **But didn't we learn** in a mishna (*Bekhorot* 11b): With regard to **one who deposits his produce with a gentile,**[H] it has the status **of the produce of a gentile** with regard **to** the *halakhot* of the **Sabbatical** Year **and** with regard **to tithe,** as the gentile might have exchanged the Jew's produce with untithed produce or produce of the Sabbatical Year. According to this logic, wine deposited with a gentile should be entirely prohibited, due to the concern that the gentile exchanged it with his own. The Gemara answers: It is permitted for one to derive benefit from the wine in a case **where** the gentile **designated a corner for** the Jew's wine,[N] i.e., if the wine was locked away in a specific place to which only a Jew has access.

אִי הָכִי, בִּשְׁתִיָּה נַמִּי לִישְׁתְּרֵי! דְּהָא רַבִּי יוֹחָנָן אִקְּלַע לְפָרוֹד, אָמַר: כְּלוּם יֵשׁ מִשְׁנַת בַּר קַפָּרָא? תְּנָא לֵיהּ רַבִּי תַּנְחוּם דְּמִן פָּרוֹד: הַמַּפְקִיד יֵינוֹ אֵצֶל גּוֹי – מוּתָּר בִּשְׁתִיָּה;

The Gemara questions this: **If that is so, drinking** from the wine should **also be permitted. As Rabbi Yoḥanan** once **happened** to come **to Parod,** where the deceased *tanna* bar Kappara had lived. When he arrived, **he said: Is there any Mishna of bar Kappara**[B] here? In response, **Rabbi Tanḥum of Parod taught him** the following *baraita*, citing bar Kappara: With regard to **one who deposits his wine with a gentile, drinking** from the wine **is permitted.**

קָרֵי עֲלֵיהּ: ״מְקוֹם שֶׁיִּפּוֹל הָעֵץ שָׁם יִהְיוּ״, שָׁם יְהוּ סָלְקָא דַּעְתָּךְ? אֶלָּא שָׁם יְהוּ פֵּירוֹתָיו!

Upon hearing this, Rabbi Yoḥanan **read** the following verse **about him: "Where the tree falls, there it shall be"** (Ecclesiastes 11:3). Does it **enter your mind** that this means that the tree itself **will be there?**[N] It is obvious that a fallen tree lands where it falls. **Rather,** the verse is saying: **There its fruits shall be.** The verse is a metaphor for a Sage, and its fruits represent his disciples. Rabbi Yoḥanan was intimating that although bar Kappara may have died, Rabbi Tanḥum, his disciple, perpetuates his wisdom.

אֲמַר רַבִּי זֵירָא, לָא קַשְׁיָא: הָא רַבִּי אֱלִיעֶזֶר, הָא רַבָּנַן;

In any event, it is apparent from the *baraita* quoted by Rabbi Tanḥum that there is a case in which it is permitted to drink wine deposited with a gentile. This contradicts the statement of Rabbi Yehuda ben Beteira. **Rabbi Zeira said** that it is **not difficult. This** *baraita*, which permits drinking wine deposited with a gentile, is in accordance with the opinion of **Rabbi Eliezer,** whereas **that** statement of Rabbi Yehuda ben Beteira is in accordance with the opinion of **the Rabbis.**

דְּתַנְיָא: אֶחָד הַלּוֹקֵחַ וְאֶחָד הַשּׂוֹכֵר בַּיִת בַּחֲצֵירוֹ שֶׁל גּוֹי, וּמְלָאוּהוּ יַיִן, וּמַפְתֵּחַ אוֹ חוֹתָם בְּיַד יִשְׂרָאֵל – רַבִּי אֱלִיעֶזֶר מַתִּיר, וַחֲכָמִים אוֹסְרִין.

Rabbi Zeira elaborates: **As it is taught** in a *baraita*: With regard to **both one who purchases or one who rents a house** located **in a gentile's courtyard, and they filled** the house with containers of **wine, and** the **key** to the house **or a seal is in the possession of a Jew,** so that the gentile cannot access the wine, in which case it is even more secure than when a corner is designated for the Jew's wine, **Rabbi Eliezer permits** the wine, **and the Rabbis prohibit** it.

אָמַר רַבִּי חִיָּיא בְּרֵיהּ דְּרַבִּי חִיָּיא בַּר נַחְמָנִי אָמַר רַב חִסְדָּא אָמַר רַב, וְאָמְרִי לָהּ: אָמַר רַב חִסְדָּא אָמַר זְעִירִי, וְאָמְרִי לָהּ: אָמַר רַב חִסְדָּא, אָמַר לִי אַבָּא בַּר חָמָא, הָכִי אָמַר זְעִירִי: הֲלָכָה כְּרַבִּי אֱלִיעֶזֶר.

Rabbi Ḥiyya, son of Rabbi Ḥiyya bar Naḥmani, says that **Rav Ḥisda says** that **Rav says, and some say** that **Rav Ḥisda says** that **Ze'eiri says, and some say** that **Rav Ḥisda says: Abba bar Ḥama said to me** that **this** is what **Ze'eiri said:** The ***halakha*** is **in accordance with** the opinion of **Rabbi Eliezer.**[H]

HALAKHA

One who deposits his produce with a gentile – הַמַּפְקִיד פֵּירוֹתָיו אֵצֶל גּוֹי: With regard to produce deposited with a gentile, there is a concern that it might have been replaced with the gentile's own produce. Consequently, a Jew who deposits produce whose preparatory labor has not been completed must tithe it if he completes its labor after he collects the deposit. Additionally, a Jew who deposits untithed produce with a gentile must tithe it after collecting the produce, as the gentile might not have exchanged it. One who deposits tithed produce whose labor was completed need not tithe it again when he collects the deposit, because even if the gentile exchanged the produce with his own, the produce is exempt from tithes (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser* 11:15).

The *halakha* is in accordance with the opinion of Rabbi Eliezer – הֲלָכָה כְּרַבִּי אֱלִיעֶזֶר: One who rents or purchases a house in the courtyard of a gentile need not lock up his wine if he resides in the home. If he does not live in the residence, he must seal the wine, lock the door, and keep the key and seal with him. It is preferable if there are two seals, but the accepted custom is to rely on a single seal after the fact, in accordance with the opinion of Rabbeinu Tam (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:1; *Shulḥan Arukh*, *Yoreh De'a* 130:9 and *Shakh* there).

NOTES

Where the gentile designated a corner for the Jew's wine – כְּגוֹן שֶׁייִחֵד לוֹ קֶרֶן זָוִית: Obviously, assigning a particular area for the wine is insufficient to circumvent the concern that the wine may be used for a libation. Rather, as indicated by the continuation of the discussion, the assumption is that the wine was locked away in a specific place to which only a Jew has access, or that there is a seal on the container (Rashi).

Does it enter your mind that the tree itself will be there – שָׁם יְהוּ סָלְקָא דַּעְתָּךְ: Rashi understands this as a reference to the subject of the metaphor: Can it be supposed that a Sage remains in his place after he has died? Others state that the question remains within the realm of the metaphor: Isn't it obvious that a tree does not move from where it fell? (Ra'avad).

BACKGROUND

The Mishna of bar Kappara – מִשְׁנַת בַּר קַפָּרָא: Bar Kappara was one of the Sages of Eretz Yisrael in the transitional generation between the *tanna'im* and the *amora'im*. His first name is unknown, though some say it was Shimon. Bar Kappara was one of the more important students of Rabbi Yehuda HaNasi, and he was a colleague of Rabbi Ḥiyya. He assembled a unique collection of *baraitot* known as the Mishna of bar Kappara. These *baraitot* are usually introduced with the words: Bar Kappara taught. His halakhic statements are mentioned many times in the Talmud. His aggadic statements and expositions appear in both the Babylonian Talmud and the Jerusalem Talmud.

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אָמַר רַבִּי אֶלְעָזָר: הַכֹּל מִשְׁתַּמֵּר בְּחוֹתָם אֶחָד, חוּץ מִן הַיַּיִן שֶׁאֵין מִשְׁתַּמֵּר בְּחוֹתָם אֶחָד; וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ יַיִן מִשְׁתַּמֵּר בְּחוֹתָם אֶחָד. וְלָא פְּלִיגִי: הָא כְּרַבִּי אֱלִיעֶזֶר, הָא כְּרַבָּנַן.

Rabbi Elazar says: All substances are sufficiently **secured by one seal, except wine, which is not** sufficiently **secured by one seal. And Rabbi Yoḥanan says: Even wine is secured by one seal. And they do not disagree** in their reasoning. Rather, **this** opinion of Rabbi Yoḥanan is **in accordance with** the opinion of **Rabbi Eliezer,** and **that** opinion of Rabbi Elazar is **in accordance with** the opinion of **the Rabbis.**

אִיכָּא דְּאָמְרִי, אָמַר רַבִּי אֶלְעָזָר: הַכֹּל מִשְׁתַּמֵּר בְּחוֹתָם בְּתוֹךְ חוֹתָם, חוּץ מִן הַיַּיִן שֶׁאֵין מִשְׁתַּמֵּר בְּחוֹתָם בְּתוֹךְ חוֹתָם; וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ יַיִן מִשְׁתַּמֵּר בְּחוֹתָם בְּתוֹךְ חוֹתָם. וְתַרְוַיְיהוּ כְּרַבָּנַן, מָר סָבַר: כִּי פְּלִיגִי רַבָּנַן עֲלֵיהּ דְּרַבִּי אֱלִיעֶזֶר – בְּחוֹתָם אֶחָד, אֲבָל בְּחוֹתָם בְּתוֹךְ חוֹתָם שָׁרוּ; וּמָר סָבַר: אֲפִילּוּ חוֹתָם בְּתוֹךְ חוֹתָם אָסְרִי.

There are those **who say** that **Rabbi Elazar says: All** substances are **secured by a seal within a seal,** i.e., two seals, **except wine, which is not secured by a seal within a seal.**[N] **And Rabbi Yoḥanan says: Even wine is secured by a seal within a seal.**[H] **And both** hold **in accordance with** the opinion of **the Rabbis:** One **Sage,** Rabbi Yoḥanan, **holds** that **when the Rabbis disagree with Rabbi Eliezer,** it is **with regard to one seal, but** in the case of **a seal within a seal,** they concede that there is no concern that the gentile might have opened it, and therefore **they permit** the wine. **And** one **Sage,** Rabbi Elazar, **holds** that **they prohibited even** wine that was secured by **a seal within a seal.**

הֵיכִי דָּמֵי חוֹתָם בְּתוֹךְ חוֹתָם? אָמַר רָבָא: אַגָּנָא דְּפוּמָא דְּחָבִיתָא שְׁרִיקָא וַחֲתִימָא – הֲוֵי חוֹתָם בְּתוֹךְ חוֹתָם, וְאִי לָא – לָא; דִּיקוּלָא וּמִיהֲדַק – הֲוֵי חוֹתָם בְּתוֹךְ חוֹתָם, לָא מִיהֲדַק – לָא הֲוֵי חוֹתָם בְּתוֹךְ חוֹתָם; נוֹד בְּדִיסַקָּיָא, חֲתִימַת פִּיו לְמַטָּה – הֲוֵי חוֹתָם בְּתוֹךְ חוֹתָם, פִּיו לְמַעְלָה – לָא הֲוֵי חוֹתָם בְּתוֹךְ חוֹתָם, וְכִי כָּייֵף פּוּמֵיהּ לְגַיו וְצָיֵיר וְחָתֵים – הֲוֵי חוֹתָם בְּתוֹךְ חוֹתָם.

The Gemara asks: **What is a seal within a seal like?**[NH] **Rava says: A basin** placed **over the mouth of a barrel**[N] that is **smeared** with clay **and** stamped with **a seal**[N] **is** considered **a seal within a seal. And if not,** it is **not** considered a seal within a seal. If **a basket** is placed over a barrel **and** is **fastened** to it, this **is a seal within a seal;** if it is **not fastened** to the barrel, **it is not a seal within a seal.** With regard to **a wineskin** that is placed **in a sack** [***disakaya***],[L] if the wineskin's **stopper is** facing **downward,** this **is a seal within a seal;** if **its stopper is** facing **upward,** this **is not a seal within a seal. And if he bends the** wineskin's **bottleneck inward and ties** the sack **and seals** it, this **is** also considered **a seal within a seal.**

תָּנוּ רַבָּנַן, בָּרִאשׁוֹנָה הָיוּ אוֹמְרִים: יַיִן שֶׁל עֵין כּוּשִׁי אָסוּר מִפְּנֵי בִּירַת סְרִיקָא, וְשֶׁל בַּרְקָתָא אָסוּר מִפְּנֵי כְּפַר פַּרְשַׁאי, וְשֶׁל זַגְדּוֹר אָסוּר מִפְּנֵי כְּפַר שָׁלֵים; חָזְרוּ לוֹמַר: חָבִיּוֹת פְּתוּחוֹת אֲסוּרוֹת, סְתוּמוֹת מוּתָּרוֹת.

§ **The Sages taught: At first,** the Sages **would say** that **wine from** the Samaritan city of **Ein Kushi**[B] **is prohibited, due to** the concern that it might have come into contact with the idolatrous inhabitants of **Birat Serika,**[N] **and** similarly the wine **of Barkata is prohibited due to** the idolatrous inhabitants of **the village of Parshai, and** the wine **of Zagdor is prohibited due to the village of Shaleim.** Subsequently, **they retracted** and began **saying: Open barrels are prohibited** but **sealed** barrels **are permitted.**

מֵעִיקָּרָא מַאי סְבוּר, וּלְבַסּוֹף מַאי סְבוּר? מֵעִיקָּרָא סָבוּר: אֵין כּוּתִי מַקְפִּיד עַל מַגַּע גּוֹי, לָא שָׁנָא פְּתוּחוֹת וְלָא שָׁנָא סְתוּמוֹת, וּלְבַסּוֹף סָבוּר: כִּי לָא קָפֵיד – אַפְּתוּחוֹת, אַסְּתוּמוֹת מַקְפִּיד קָפֵיד.

The Gemara asks: **What** did they **reason initially, and what** did they **reason ultimately?** The Gemara answers: **Initially** they **reasoned: A Samaritan is not particular about the touch of** an idolatrous **gentile,** and **there is no difference** in this regard between **open** barrels **and sealed** barrels. **And ultimately** they **reasoned: When** Samaritans **are not particular** about gentile's touch, this is only **with regard to open** barrels, but **with regard to sealed** barrels, **they are particular.** Since Samaritans ensure that gentiles do not handle sealed barrels of wine, this wine is permitted.

וְסְתוּמוֹת מוּתָּרוֹת? וּרְמִינְהִי:

The Gemara asks: **But are sealed** barrels **permitted? And** the Gemara **raises a contradiction** against this notion

HALAKHA

Wine is secured by a seal within a seal – יַיִן מִשְׁתַּמֵּר בְּחוֹתָם בְּתוֹךְ חוֹתָם: It is permitted for a Jew to deposit and send his wine with a gentile if it is sealed by a seal within a seal, or a lock and a seal. This is in accordance with the opinion of Rabbi Eliezer, following the text of the Gemara cited by the Rif (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:8; *Shulḥan Arukh*, *Yoreh De'a* 118:4, 130:1).

What is a seal within a seal like – הֵיכִי דָּמֵי חוֹתָם בְּתוֹךְ חוֹתָם: With regard to a barrel covered with a basin that is not fastened to it but is smeared with clay, it is considered to have a single seal. If the covering was fastened to the barrel and smeared with clay, this is a seal within a seal. Similarly, if one binds the mouth of a wineskin, this is a single seal, whereas if its neck was bent over and then bound, this is a seal within a seal. The *halakha* is in accordance with the statement of Rava. In general, any noticeable difference that distinguishes a container from other containers is considered one seal, while fastening the covering constitutes a second seal (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:8; *Shulḥan Arukh*, *Yoreh De'a* 118:4, 130:1).

NOTES

Which is not secured by a seal within a seal – שֶׁאֵין מִשְׁתַּמֵּר בְּחוֹתָם בְּתוֹךְ חוֹתָם: According to this opinion, wine is considered secure only if a Jew is watching over it (Rabbeinu Ḥananel).

What is a seal within a seal like – הֵיכִי דָּמֵי חוֹתָם בְּתוֹךְ חוֹתָם: In other words, what fits the halakhic qualifications of a seal within a seal, even if it is not an actual seal within a seal (Ritva)?

Basin [*aggana*] placed over the mouth of a barrel – אַגָּנָא דְּפוּמָא דְּחָבִיתָא: Rashi explains that an *aggana* is a basin (see *Targum Onkelos* on Exodus 24:6). Here it refers to a type of vessel that was placed on top of the barrel and sealed to it with clay. The Rambam indicates that this was a common method for covering barrels. Others claim that the Gemara is referring specifically to a vessel that is not generally used to cover barrels, as in the case of a regular covering, it would not be noticeable if it had been removed from the barrel (Ra'avad). Conversely, some commentaries write that the Gemara is referring to a barrel covered with the implement designed specifically to cover its opening, so that it is sealed properly (Rid).

Smeared with clay and stamped with a seal – שְׁרִיקָא וַחֲתִימָא: Some commentaries explain that it is enough for the vessel to be sealed tightly around the circumference of the opening (see Ra'ah). Others indicate that all this use of clay constitutes only one of the requisite two seals, and a proper seal is necessary in addition to the clay (Rashi; Rambam). Yet others maintain that the placement and closing of the vessel is considered one seal, while the sealing and stamping with clay is the second seal, provided that one adds some kind of sign on it, e.g., by etching a letter (*Tosefot Ḥakhmei Angliyya*). According to another opinion, the phrase: Stamped with a seal, means that the lid itself covers its stopper all the way around, and it is only in this manner that one can seal a vessel with two seals by using a single stopper (Ra'avad; see Meiri).

Birat Serika, etc. – בִּירַת סְרִיקָא וכו': Rashi explains that the concern is due to the fact that Birat Serika was located near Ein Kushi. Others suggest that Samaritan merchants would pass through the gentile cities listed here (Ra'avad).

LANGUAGE

Sack [*disakaya*] – דִּיסְקָיָא: From the Greek δισάκκιον, *disakkion*, which means a double sack or saddlebag loaded onto an animal.

Donkey in Sudan with a traditional two-sided pack

BACKGROUND

Ein Kushi, etc. – עֵין כּוּשִׁי וכו': The precise location of these places is uncertain, but they were all apparently in Samaria or in the Sharon region, near the strip of Samaritan villages found in the proximity of Shechem. Since the Samaritan region was not an official district it did not have clear borders, and in many areas Jewish and Samaritan villages were situated side by side. When relations between them were good, they often engaged in business transactions with one another, and Samaritan wine would have been sold to Jews for sale or consumption.

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HALAKHA

One who sends a barrel of wine in the hands of a Samaritan, etc. – הַשּׁוֹלֵחַ חָבִית שֶׁל יַיִן בְּיַד כּוּתִי וכו׳: One who seals wine in a barrel by a seal within a seal must recognize his seals when he comes to open the barrel. If he does not recognize them, or notices that the seals are broken in a fashion that indicates deliberate human interference (Rema), the wine is prohibited. If he sends the barrel to another Jew, the recipient need not recognize the seals provided that they are intact, although it is preferable for the sender to inform him of the nature of his seals so that he can check them anyway (*Shulḥan Arukh*, *Yoreh De'a* 130:8).

Between the winepresses – בֵּין הַגִּיתוֹת: Wine sent with a gentile through a populated area is permitted, even if the area is inhabited by gentiles. The reason is that the gentile is afraid to touch the wine in case someone sees him and he is accused of theft. Nevertheless, it is preferable to avoid sending the wine in this fashion (*Shulḥan Arukh*, *Yoreh De'a* 118:7, 129:4).

Beer of gentiles – שֵׁכָר שֶׁל גּוֹיִם: The beer of gentiles is forbidden, due to the concern that such drinking will facilitate interactions that might lead to intermarriage. The Rema writes that some commentaries permit beer made from grain and honey, and that this was the accepted practice in his community (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:10; *Shulḥan Arukh*, *Yoreh De'a* 114:1).

הַשּׁוֹלֵחַ חָבִית שֶׁל יַיִן בְּיַד כּוּתִי, וְשֶׁל צִיר וְשֶׁל מוֹרַיְיס בְּיַד גּוֹי, אִם מַכִּיר חוֹתָמוֹ וּפִסְתָּמוֹ – מוּתָּר, אִם לָאו – אָסוּר!

from the following *baraita*: With regard to **one who sends a barrel of wine in the hands of a Samaritan,**[HN] **or** a barrel **of** fish **brine or** a barrel **of fish stew in the hands of a gentile,**[N] **if he recognizes his seal and his** manner of **closing**[N] the barrel, it **is permitted; if** he does **not** recognize them, it **is prohibited.** Apparently, a sealed barrel is permitted only when it is recognizable.

אָמַר רַבִּי זֵירָא, לָא קַשְׁיָא: כָּאן בָּעִיר, כָּאן בְּדֶרֶךְ.

Rabbi Zeira said that this is **not difficult. Here,** the first *baraita* is referring to barrels located **in a city; there,** the second *baraita* is referring to barrels that the Samaritan carries **on the road.** Sealed barrels are permitted in a city because the Samaritan is careful to ensure that gentiles do not touch them in front of anyone, so that he does not forfeit the business of Jews. While traveling he is not concerned, as he assumes that no one will discover that the gentile came into contact with the wine.

מַתְקִיף לָהּ רַבִּי יִרְמְיָה: מִידֵּי הָנָךְ דְּעִיר לָא בַּדֶּרֶךְ אָתוּ? אֶלָּא אָמַר רַבִּי יִרְמְיָה: בֵּין הַגִּיתוֹת שָׁנִינוּ, כֵּיוָן דְּכוּלֵּי עָלְמָא אָפְכִי, מִירָתַת, אָמַר: הָשְׁתָּא אִי חָזֵי לִי מַפְסְדוּ לִי.

Rabbi Yirmeya objects to this: Didn't these barrels located **in the city come by the road** as well?[N] **Rather, Rabbi Yirmeya says: We learned** the *baraita* that permits sealed barrels only in reference to those that are located **between the winepresses.**[H] **Since everyone is found** there, the Samaritan **is apprehensive,** as he **says** to himself: **Now, if** someone **sees me** allowing a gentile to handle the wine **they will cause me to lose** my profit, as Jews will not purchase it.

אִתְּמַר: מִפְּנֵי מָה אָסְרוּ שֵׁכָר שֶׁל גּוֹיִם? רָמֵי בַּר חָמָא אָמַר רַבִּי יִצְחָק: מִשּׁוּם חֲתָנוּת, רַב נַחְמָן אָמַר: מִשּׁוּם גִּילּוּי.

It was stated: For what reason did the Sages **prohibit the beer of gentiles?**[H] **Rami bar Ḥama says** that **Rabbi Yitzḥak says:** It is **due to** the concern that Jews will befriend gentiles while drinking with them, which might lead to **marriage**[N] with gentiles. **Rav Naḥman said:** It is **due to** the concern of **exposure.**

אַגִּילּוּי דְּמַאי? אִילֵּימָא גִּילּוּי דְּנִיזָּיתָא – אֲנַן נַמִּי מְגַלֵּינַן! וְאֶלָּא דְּחָבִיתָא – אֲנַן נַמִּי מְגַלֵּינַן! לָא צְרִיכָא, בְּאַתְרָא דְּמַצְלוּ מַיָּא.

The Gemara asks: **With regard to what** form **of exposure** is there a concern? **If we say** that the concern is with regard to **exposure of the vat, we too expose** the vat,[N] and there is no reason to prohibit gentiles' beer more than that of Jews. **And** if you say: **Rather,** the concern is for exposure **of** the **barrel, we also expose** barrels. The Gemara answers: **No,** it is **necessary** to prohibit the beer **in a place where the water** used to brew it is allowed to **settle.**[N]

אֶלָּא מֵעַתָּה, יָשָׁן תִּשְׁתְּרֵי, דְּאָמַר רַבִּי: יָשָׁן – מוּתָּר, אֵין מַנִּיחוֹ לְיִישֵׁן; הֶחְמִיץ – מוּתָּר, אֵין מַנִּיחוֹ לְהַחְמִיץ! גְּזֵירָה יָשָׁן אַטּוּ חָדָשׁ.

The Gemara asks: **If that is so, aged** beer should **be permitted, as Rabbi** Yehuda HaNasi **says:** A substance that might contain exposed water but has **aged** is **permitted,** since the poison **does not allow it to age,** as it goes bad before it grows old. Similarly, if it **soured** it is **permitted,** because the poison impairs the taste but **does not allow it to sour.** Why, then, is all beer prohibited? The Gemara answers: The Sages issued a rabbinic **decree** with regard to **aged** beer **due to** the concern with regard to **new** beer.

NOTES

A barrel of wine in the hands of a Samaritan – חָבִית שֶׁל יַיִן בְּיַד כּוּתִי: The Sages decreed that this wine is prohibited due to the concern that the Samaritan might allow a gentile to come into contact with it. Obviously, the prohibition applies to wine carried by a gentile himself (Rashi).

A barrel of fish brine or a barrel of fish stew in the hands of a gentile – שֶׁל צִיר וְשֶׁל מוֹרַיְיס בְּיַד גּוֹי: There is a concern that the gentile might replace the brine with brine from non-kosher fish. With regard to fish stew, as it is more expensive than wine, the gentile might add a bit of wine to the stew to increase its volume.

If he recognizes his seal and his manner of closing – אִם מַכִּיר חוֹתָמוֹ וּפִסְתָּמוֹ: For this reason, one who sends his wine with a gentile to a Jew should deliver a written note describing his seal and manner of closing the barrel (see *Tosafot*).

Didn't these barrels…come by the road as well – הָנָךְ בַּדֶּרֶךְ אָתוּ: Wine was not prepared inside a city. Instead, it was made near a winepress, and from there it was delivered to the city. Accordingly, the distinction between barrels located in the city and barrels carried on the road is problematic, as any barrel of wine found in the city has been on the road as well.

Due to the concern that it might lead to marriage – מִשּׁוּם חֲתָנוּת: Rashi explains that drinking and intermingling with gentiles will lead to mutual affection, which may result in intermarriage. Others write that this prohibition is related to the Sages' decree with regard to wine: Since wine is prohibited due to the concern about intermarriage as well as the fact that it was used for libation, the Sages prohibited beer because of its similarity to wine (Ra'avad; see Ramban).

The vat, we too expose it – נִיזָּיתָא אֲנַן נַמִּי מְגַלֵּינַן: As long as beer is in the vat in which it is prepared the concern about exposure does not apply, because snakes would not drink from it (Rashi). The commentaries note that the liquid must be uncovered while it is in the vat so that the fumes can be released during the beer-making process (Rabbeinu Ḥananel). Likewise, the beer must be left uncovered while it ferments in the barrels. The reason for the leniency may be attributed to the principle derived from the verse in Psalms (116:6): "The Lord preserves the simple" (see 30b). Alternatively, it is because snakes do not approach the liquid in these states, notwithstanding the fact that it is uncovered.

In a place where the water used to brew it is allowed to settle – בְּאַתְרָא דְּמַצְלוּ מַיָּא: Water was left standing so that any non-liquid particles would settle at the bottom. This water, which was then used in the brewing of high-quality beer, is subject to the *halakha* of exposure, as snakes might drink from it. Some commentaries claim that the Gemara is referring to the initial stage of the brewing itself, wherein water is poured on top of the grain from which the beer will be brewed (Rabbeinu Ḥananel).

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רַב פָּפָּא מַפִּיקִין לֵיהּ לְאַבָּבָא דְּחָנוּתָא וְשָׁתֵי, רַב אַחַאי מַיְיתוּ לֵיהּ לְבֵיתֵיהּ וְשָׁתֵי; וְתַרְוַיְיהוּ מִשּׁוּם חֲתָנוּת, רַב אַחַאי עָבֵיד הַרְחָקָה יְתֵירְתָּא.

§ The Gemara cites the opinions of various Sages with regard to beer. **Rav Pappa** had them **bring out** the **beer** belonging to gentiles from the store **to the entrance of the store, and he** would **drink** it outside the store. **Rav Aḥai** had them **bring** the beer **to his house,**[H] **and he** would **drink** it there. **And both** of them drank the beer away from the presence of gentiles **due to** concern about **marriage**[N] with gentiles. The Gemara notes that **Rav Aḥai established an extreme preventive measure** for himself beyond what is required by *halakha*.

רַב שְׁמוּאֵל בַּר בִּיסְנָא אִיקְּלַע לְמַרְגּוּאָן, אַיְיתוּ לֵיהּ חַמְרָא וְלָא אִשְׁתֵּי, אַיְיתוּ לֵיהּ שִׁיכְרָא וְלָא אִשְׁתֵּי. בִּשְׁלָמָא חַמְרָא מִשּׁוּם שִׁימְצָא, שִׁיכְרָא מִשּׁוּם מַאי? מִשּׁוּם שִׁימְצָא דְּשִׁימְצָא.

The Gemara relates that **Rav Shmuel bar Bisna happened** to come **to Marguan,**[BHN] and **they brought him wine but he did not drink** it. Next **they brought him beer but he did not drink** it. The Gemara asks: **Granted,** he did not drink the **wine due to** the **trace** [*shimtza*][L] of libations, but **due to what** reason did he refrain from drinking **beer?** It was **due to** concern for **the trace of a trace,** i.e., he did not drink beer due to concern about drinking wine.

אָמַר רַב: הַאי שִׁיכְרָא דְּאַרְמָאָה שָׁרֵי, וְחַיָּיא בְּרִי לָא נִשְׁתֵּי מִינֵּיהּ. מַה נַּפְשָׁךְ? אִי שָׁרֵי – לְכוּלֵּי עָלְמָא שָׁרֵי, אִי אָסִיר – לְכוּלֵּי עָלְמָא אָסִיר!

Rav says: This Aramean beer is permitted, but my son Ḥiyya does not drink from it. The Gemara asks: **Whichever** way **you** look at this matter, Rav's statement is difficult: **If** the beer is **permitted,** then it is **permitted to everyone,** and there is no reason for his son to refrain from drinking it. And **if** it is **prohibited,** it is **prohibited to everyone,** and why would Rav say it is permitted?

אֶלָּא רַב סָבַר: מִשּׁוּם גִּילּוּיָא, וְאָזֵיל מְרוֹרָא דְּכִשּׁוּתָא וְקָלֵי לֵיהּ זִיהֲרֵיהּ; וּדְלָקֵי מַלְקֵי לֵיהּ טְפֵי, וְחַיָּיא בְּרִי הוֹאִיל וְלָקֵי – לָא נִשְׁתֵּי מִינֵּיהּ.

The Gemara explains: **Rather, Rav holds** that the prohibition is **due to exposure, but the bitterness of the hops**[B] in the beer **goes and impairs the** snake's **venom,** so that it is safe for an average person to drink. **But** a person of **weak** constitution **is weakened further**[N] by the impaired venom, **and** Rav was saying: In the case of **my son Ḥiyya, since he is weak, he does not drink from it.**

אָמַר שְׁמוּאֵל: כָּל הַשְּׁרָצִים יֵשׁ לָהֶן אָרָס, שֶׁל נָחָשׁ מֵמִית, שֶׁל שְׂרָצִים אֵינוֹ מֵמִית. אָמַר לֵיהּ שְׁמוּאֵל לְחִיָּיא בַּר רַב: בַּר אוֹרְיָא, תָּא וְאֵימָא לָךְ מִילְּתָא מְעַלְּיָיתָא דַּהֲוָה אָמַר רַב אֲבוּךְ, הָכִי אָמַר אֲבוּךְ: הָנֵי אַרְמַאֵי זוּקָאנֵי דְּהָווּ שָׁתוּ גִּילּוּיָא וְלָא מֵתוּ, אֵיידֵי דְּאָכְלִי שְׁקָצִים וּרְמָשִׂים חֲבִיל גּוּפַיְיהוּ.

Shmuel says: All creeping animals possess venom;[B] that **of a snake kills,** whereas the venom **of** other **creeping animals does not kill. Shmuel said to Ḥiyya bar Rav: Son of a lion! Come and I will say to you a superior matter that your father, Rav, said. This** is what **your father said: These Arameans** are **swollen** [*zukanei*][L] **because they drink exposed** liquids, **but they did not die** from doing so **since they eat repugnant creatures and creeping animals,** which **heat their bodies** and thereby render them less susceptible to the venom.

אָמַר רַב יוֹסֵף:

Rav Yosef says:

BACKGROUND

Marguan – מַרְגּוּאָן: The precise location of this place is unknown, although there is a locale of a similar name in the Khorasan region of eastern Iran. Apparently Rav Shmuel bar Bisna did not fully trust its residents with regard to halakhic matters due to its distance from religious centers.

Bitterness of the hops – מְרוֹרָא דְּכִשּׁוּתָא: The *Humulus lupulus* plants, commonly referred to as hops, are used even nowadays as an ingredient in beer, as well as in some teas and soft drinks. The plant contains alkaloids and tannins which facilitated the breakdown of snake venom found in a beverage.

Common hop plant

All creeping animals possess venom – כָּל הַשְּׁרָצִים יֵשׁ לָהֶן אָרָס: Not all kinds of vermin belong to the same zoological group; there are great differences between various species. Some creatures, such as frogs, scorpions, and centipedes, are truly venomous, although only rarely do they prove fatal to humans.

LANGUAGE

Trace [*shimtza*] – שִׁימְצָא: Apparently, this is the Aramaic form of the biblical term *shimtza* spelled with a *heh*, mentioned in the verse: "For Aaron had let them loose for a derision [*leshimtza*] among their enemies" (Exodus 32:25). The commentaries follow the interpretation of *Targum Onkelos* that it means a bad reputation, or, as in this case, a negative trace.

Swollen [*zukanei*] – זוּקָאנֵי: This is related to the word *zika*, which means wind. Accordingly, it means that the swollen Arameans are apparently filled with air.

HALAKHA

Bring the beer to his house – מַיְיתוּ לֵיהּ לְבֵיתֵיהּ: Beer is prohibited only if it is purchased; when brought to one's house it is permitted. Additionally, the decree of the Sages applies only where the social drinking is premeditated, not when it is incidental. Furthermore, if one is staying in a gentile's house it is considered like his own home, and therefore it is permitted to bring beer there. This guest may even drink the host's beer if it is offered to him, due to the enmity that might be engendered were he to refuse (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:10; *Shulḥan Arukh*, *Yoreh De'a* 114:1).

Happened to come to Marguan, etc. – אִיקְּלַע לְמַרְגּוּאָן וכו': It is prohibited to drink even beer belonging to Jews in a locale where Jews are not careful with regard to the wine of gentiles. This ruling is based on the incident involving Rav Shmuel bar Bisna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:10; *Shulḥan Arukh*, *Yoreh De'a* 114:1, and *Shakh* and *Taz* there).

NOTES

And both drank the beer away from the gentiles due to concern about marriage – וְתַרְוַיְיהוּ מִשּׁוּם חֲתָנוּת: If the problem was exposure, it would make no difference where the beer was drunk.

To Marguan – לְמַרְגּוּאָן: Rashi explains that the Jews in this place were suspected of neglecting the issue of allowing gentiles to come into contact with their wine. Others add that this is why Rav Shmuel bar Bisna would not even accept beer from them, so that no one would think he was drinking from their wine, or to dissuade others from partaking of their wine (Rabbeinu Elḥanan).

But a person of weak constitution is weakened further – וּדְלָקֵי מַלְקֵי לֵיהּ: The venom in the beer is not completely nullified by the hops, but it is diminished to the extent that a healthy person would be unharmed. One who possesses a naturally frail constitution is susceptible to the diluted venom. This is similar to Shmuel's statement with regard to the venom of other creeping animals, which is harmful but not fatal.

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HALAKHA

Vinegar made of Aramean beer – חַלָּא דְּשִׁיכְרָא דְּאַרְמָאָה: Vinegar prepared from gentiles' beer is forbidden because wine-based yeast is added to it. Vinegar from the storeroom is permitted, as it is not mixed with other substances (Rambam). The *Shulḥan Arukh* writes that it is prohibited to purchase vinegar if it is sold at a higher price than wine, due to the suspicion that some wine has been added to it. Nevertheless, it is permitted if the purchased vinegar is removed from the barrel in which it had been stored for an extended period of time, since this is a sure indication that no wine has been added to it, as adding wine to vinegar that is stored would cause it to spoil (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:25; *Shulḥan Arukh*, *Yoreh De'a* 114:4).

To support the legs of a bed with them – לְסְמוֹךְ בָּהֶן כַּרְעֵי הַמִּטָּה: It is prohibited to derive benefit from Hadrianic earthenware. The *Shakh* adds that one may not use it to support the legs of the bed, and certainly not to store items in it (*Shulḥan Arukh*, *Yoreh De'a* 123:13).

BACKGROUND

Earthenware of Emperor Hadrian – חֶרֶס שֶׁל הַדְרְיָנוּס קֵיסָר: Hadrian was the Roman Emperor from 117 to 138 CE. In Jewish literature he is infamous for brutally crushing the bar Kokheva revolt, devastating Jerusalem, and building an idolatrous city in its place. Nearly half his rule was spent traveling through various parts of the Roman Empire. Apparently, his soldiers made use of this type of earthenware on their journeys.

Bust of Hadrian commemorating his victory over the bar Kokheva rebels, unearthed at Tel Shalem, Israel

LANGUAGE

Jugs [*dardurin*] – דַּרְדּוּרִין: Of unclear origin, possibly related to *dar*, meaning line or strip. Accordingly, the *ge'onim* explain that *dardurin* is a reference to strips of wood attached to each other in a circular fashion for the manufacturing of wooden barrels and similar containers.

Flagons [*rokva'ot*] – רוֹקְבָאוֹת: Syriac-Aramaic for wineskin. *Targum Onkelos* uses this word as his translation of the Hebrew *ḥemet* (Genesis 21:14), which was the container of water Abraham gave to Hagar when he banished her.

הַאי חַלָּא דְּשִׁיכְרָא דְּאַרְמָאָה – אָסוּר, דְּמָעֲרְבֵי בֵּיהּ דּוּרְדְּיָא דְּיֵינָא. אֲמַר רַב אַשִׁי: וּמֵאוֹצָר – שָׁרֵי, כֵּיוָן דְּמָעֲרְבֵי בֵּיהּ מִסְרָא סָרֵי.

This vinegar made **of Aramean beer**[H] **is prohibited, as they mix in it yeast of wine** used for **a libation. Rav Ashi said: But** vinegar **from a storeroom**[N] **is permitted, since** if another substance is **mixed with it, it would spoil** over time.

"וְחֶרֶס הַדְרְיָנִי". מַאי הַדְרְיָנִי? אֲמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: חֶרֶס שֶׁל הַדְרְיָנוּס קֵיסָר. כִּי אֲתָא רַב דִּימִי אֲמַר: קַרְקַע בְּתוּלָה הָיְתָה שֶׁלֹּא עָבְדָה אָדָם מֵעוֹלָם, עֲבָדָהּ וּנְטָעָהּ, וְרָמֵי לֵיהּ לְחַמְרָא בְּגוּלְפֵי חִיוָּרֵי וּמָיֵיצֵי לְהוּ לְחַמְרַיְיהוּ, וּמְתַבְּרוּ לְהוּ בְּחַסְפֵּי וְדָרוּ בַּהֲדַיְיהוּ, וְכָל הֵיכָא דְּמָטוּ תָּרוּ לְהוּ וְשָׁתוּ. אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: וְרִאשׁוֹן שֶׁלָּנוּ כִּשְׁלִישִׁי שֶׁלָּהֶן.

§ The mishna teaches: **And Hadrianic earthenware** is prohibited. The Gemara asks: **What is Hadrianic** earthenware? **Rav Yehuda says that Shmuel says:** It is **earthenware of Emperor Hadrian.**[B] **When Rav Dimi came, he said: There was** an expanse of **virgin soil that no man** had **ever tilled** before, and Hadrian **tilled it and planted** grapevines in **it,** which yielded wine of the highest quality. **And** they **placed** this **wine in white jugs,**[N] **and** the jugs **absorbed the wine. And they** would **break** the jugs into **shards and carry** the shards **with them, and anywhere that they stopped, they soaked** these shards in water **and drank** the water. The Gemara notes that **Rabbi Yehoshua ben Levi says: And our first-**rate wine[N] **is like** the wine produced by the **third** usage of **their** Hadrianic earthenware.

אִיבַּעְיָא לְהוּ: מַהוּ לְסְמוֹךְ בָּהֶן כַּרְעֵי הַמִּטָּה? רוֹצֶה בְּקִיּוּמוֹ עַל יְדֵי דָּבָר אַחֵר, שָׁרֵי אוֹ אָסוּר?

A dilemma was raised before the Sages: **What is** the *halakha* if one wishes to use such shards **to support the legs of a bed with them?**[H] Is one who **desires** a prohibited item's continued **existence** in order **to** use it for **another matter,** i.e., not for the prohibited purpose, **permitted** to use it **or prohibited** from doing so? In this case, no benefit whatsoever is derived from the wine absorbed within the shards, but the shards themselves are being used to support the bed.

תָּא שְׁמַע: דְּרַבִּי אֶלְעָזָר וְרַבִּי יוֹחָנָן, חַד אָסַר וְחַד שָׁרֵי, וְהִלְכְתָא כְּמַאן דְּאָסַר.

The Gemara suggests: **Come** and **hear** a resolution to the dilemma, **as Rabbi Elazar and Rabbi Yoḥanan** engaged in a dispute in this case: **One prohibited** using the shards in such a fashion, **and one permitted** this practice. The Gemara adds: **And the *halakha*** is **in accordance with** the opinion of the Sage **who prohibited** it.

מֵיתִיבִי: הַדַּרְדּוּרִין וְהָרוֹקְבָאוֹת שֶׁל גּוֹיִם, יַיִן שֶׁל יִשְׂרָאֵל כָּנוּס בָּהֶן – אָסוּר בִּשְׁתִיָּה וּמוּתָּר בַּהֲנָאָה; הֵעִיד שִׁמְעוֹן בֶּן גּוּדָא לִפְנֵי בְּנוֹ שֶׁל רַבָּן גַּמְלִיאֵל עַל רַבָּן גַּמְלִיאֵל שֶׁשָּׁתָה מִמֶּנּוּ בְּעַכּוֹ, וְלֹא הוֹדוּ לוֹ.

The Gemara **raises an objection** from a *baraita* to the Sage who deems it permitted: With regard to **the jugs** [*dardurin*][NL] **and flagons** [*rokva'ot*][L] **of gentiles** that have **a Jew's wine contained in them,** one is **prohibited from drinking** the wine, **but** one is **permitted to** derive **benefit** from it. The Gemara notes that **Shimon ben Guda testified before the son of Rabban Gamliel with regard to Rabban Gamliel that he drank from it**[N] **in Akko, but** the Sages **did not concede to** the ramifications of his testimony.

NOTES

But vinegar from a storeroom – וּמֵאוֹצָר: That is, any place where vinegar is stored for an extended period of time. The reason for the leniency is that if this vinegar is mixed with yeast, it is likely to spoil, so the gentile would not mix yeast from wine with the vinegar. This does not include liquids sold in a store, which contain the yeast for only a short amount of time (Rashi).

In white jugs – בְּגוּלְפֵי חִיוָּרֵי: Rashi explains that the whiteness of the jugs indicates that the jugs are new and have not yet been used at all. For this reason, their capacity to absorb the wine is enhanced. Alternatively, white earthenware jugs have not been colored or supplemented with some other substance that would prevent them from absorbing the maximum amount of flavor.

Our first-rate wine – רִאשׁוֹן שֶׁלָּנוּ: Rashi explains that Rabbi Yehoshua ben Levi is referring to wine of the highest quality. Some commentaries explain that it was a common practice to crush the grapes a bit, put them in a barrel, and fill the barrel with water, so that the water would absorb the taste of the grapes. The crushed grapes were subsequently removed and placed in a different container of water for it to absorb the flavor as well. This was repeated several times, with the water absorbing less flavor on each occasion (Rid). According to the Rid, Rabbi Yehoshua ben Levi is saying that the beverage produced by the third usage of Hadrianic earthenware was equivalent to the beverage produced by the first instance of the above process. Other commentaries have a different version of the text which omits the word: First.

Jugs – דַּרְדּוּרִין: Some explain that the Gemara is referring to small jugs (Rashi), whereas others maintain that these were large, wooden barrels (Rabbeinu Ḥananel; *Arukh*).

That he drank from it – שָׁשָׁתָה מִמֶּנּוּ: Rabban Gamliel did not drink the wine itself. Rather, he drank other liquids found in these containers which belonged to gentiles. His reasoning was that they were not designed to hold wine for an extended period, but rather only for a brief duration, and therefore the prohibitions with regard to their use were less stringent (Rabbeinu Elḥanan). Alternatively, Rabban Gamliel holds that absorbed wine is prohibited only at a ratio of greater than one to sixty (Ra'avad; Rid).

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נוֹדוֹת שֶׁל גּוֹיִם – רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר מִשּׁוּם רַבִּי יְהוֹשֻׁעַ בֶּן קְפוֹסַאי: אָסוּר לַעֲשׂוֹת מֵהֶן שְׁטִיחִין לַחֲמוֹר; וְהָא הָכָא דְּרוֹצֶה בְּקִיּוּמוֹ עַל יְדֵי דָּבָר אַחֵר, וְקָתָנֵי דְּאָסוּר!

Concerning **wineskins** that **belong to gentiles, Rabban Shimon ben Gamliel says in the name of Rabbi Yehoshua ben Kefusai:** It is **prohibited to fashion from them** items such as **blankets to** cover **a donkey,** as one derives benefit from them. The Gemara explains the objection: **And here,** in the case of wineskins used as donkey covers, **he desires its** continued **existence for another matter, and** yet the *baraita* **teaches that** it is **prohibited** to use it for this purpose.

וְלִיטַעֲמִיךְ, קַנְקַנִּים שֶׁל גּוֹיִם לִיתַּסְרוּ לְמִיזְבַּן, מַאי שְׁנָא נוֹדוֹת וּמַאי שְׁנָא קַנְקַנִּים? אָמַר רָבָא: גְּזֵירָה שֶׁמָּא יִבָּקַע נוֹדוֹ, וְיִטְלֶנּוּ וְיִתְפְּרֶנּוּ עַל גַּבֵּי נוֹדוֹ.

The Gemara retorts: **And according to your reasoning, it should be prohibited to sell jugs belonging to gentiles,** and yet Jews sell them frequently; **what is different** about **wineskins,** from which one may not derive indirect benefit, **and what is different** about **jugs,** which may be sold for indirect benefit? The Gemara answers that **Rava says:** There is a rabbinic **decree** that one may not sell wineskins of gentiles **lest his** own **wineskin break**[N] open, **and** to repair it **he would take** the gentile's wineskin **and sew it onto his wineskin.** This would cause the wine absorbed in the gentile's wineskin to mix with the wine of the Jew and render it forbidden.

וּלְמַאן דְּאָמַר: רוֹצֶה בְּקִיּוּמוֹ עַל יְדֵי דָּבָר אַחֵר אָסוּר, מַאי שְׁנָא קַנְקַנִּים דְּשָׁרוּ? אָמַר לָךְ: הָתָם לֵיתֵיהּ לְאֵיסּוּרֵיהּ בְּעֵינֵיהּ, הָכָא אִיתֵיהּ לְאֵיסּוּרֵיהּ בְּעֵינֵיהּ.

The Gemara asks: **And according to the one who says** that someone who **desires** the continued **existence of** a prohibited item **for another matter is prohibited** from using the item in this way, **what is different** about **jugs that** purchasing them is **permitted?** The Gemara explains that this Sage could have **said to you: There,** with regard to the jugs, **there is no substantive prohibited** entity,[N] whereas **here,** in the case of Hadrianic earthenware, **there is a substantive prohibited** entity, as the wine is recognizable in the earthenware.

וְלֹא הוֹדוּ לוֹ. וּרְמִינְהִי: יַיִן הַבָּא בִּרוֹקְבָאוֹת שֶׁל גּוֹיִם – אָסוּר בִּשְׁתִיָּיה וּמוּתָּר בַּהֲנָאָה; הֵעִיד שִׁמְעוֹן בֶּן גּוּדָּע לִפְנֵי בְּנוֹ שֶׁל רַבָּן גַּמְלִיאֵל עַל רַבָּן גַּמְלִיאֵל שֶׁשָּׁתָה מִמֶּנּוּ בְּעַכּוֹ, וְהוֹדוּ לוֹ!

§ It was stated that Shimon ben Guda provided testimony, **but** the Sages **did not concede** to its ramifications. **And** the Gemara **raises a contradiction:** With regard to **wine that comes in the flagons of gentiles,** one is **prohibited from drinking** the wine, **but** one is **permitted to** derive **benefit** from it. **Shimon ben Guda testified before the son of Rabban Gamliel with regard to Rabban Gamliel that he drank from it in Akko, and they conceded to him.** This directly contradicts the episode cited above.

מַאי ״לֹא הוֹדוּ לוֹ״ דְּקָאָמַר הָתָם? כָּל סַיְיעָתוֹ, אֲבָל בְּנוֹ מוֹדֵי לֵיהּ. אִיבָּעֵית אֵימָא: גּוּדָּא לְחוּד, וְגוּדַּע לְחוּד.

The Gemara explains: **What** is the meaning of the sentence: **But they did not concede to** the ramifications of his testimony, **which was stated there,** in the first account? The meaning is that the rest of **his entire company,** i.e., the Sages, did not concede, **but his son did concede to him. If you wish, say** instead that **Guda** with the letter *alef,* as stated in the first episode, is **discrete, and Guda** with an *ayin,* in the second account, is **discrete,** i.e., the two incidents are not referring to the same individual.

״וְעוֹרוֹת לְבוּבִין״. תָּנוּ רַבָּנַן: אֵיזֶהוּ עוֹר לָבוּב? כָּל שֶׁקָּרוּעַ כְּנֶגֶד הַלֵּב וְקָדוּר כְּמִין אֲרוּבָּה, יֵשׁ עָלָיו קוֹרֶט דָּם – אָסוּר,

§ The mishna further teaches: **And hides** with a tear opposite the **heart** are prohibited. **The Sages taught: What is** considered **a hide** with a tear opposite the **heart? Any** hide **that is torn opposite the heart**[BN] **and incised** in a shape **similar to an aperture,** and which **has a trace of** coagulated **blood on it,** is **prohibited.**

BACKGROUND

Torn opposite the heart – קָרוּעַ כְּנֶגֶד הַלֵּב: Apparently this was a ritual performed in the worship of various deities such as Demeter, Dionysus, Attis, and Mitra. Some sources indicate that part of the ritual included removing the heart of an offering while it was still alive. Accordingly, the presence of blood near the wound indicated that the heart had been carved out before the animal's death, which would have occurred only in the context of such rituals.

NOTES

Lest his own wineskin break – שֶׁמָּא יִבָּקַע נוֹדוֹ: This concern does not apply to jugs, as their shards are not used for strengthening damaged containers (see Meiri).

There is no substantive prohibited entity – לֵיתֵיהּ לְאֵיסּוּרֵיהּ בְּעֵינֵיהּ: The commentaries explain that the difference between Hadrianic earthenware and jugs of wine is that Hadrianic earthenware has absorbed so much wine that it is considered as though it has become wine itself, whereas jugs merely exude the taste of a forbidden substance (Ramban). Others state that were it not for the wine absorbed by the earthenware, the size of the earthenware would be reduced (Meiri).

That is torn opposite the heart – שֶׁקָּרוּעַ כְּנֶגֶד הַלֵּב: The Jerusalem Talmud notes that this idolatrous ritual was performed exclusively upon live animals. A heart that was removed in this fashion would certainly have been used for idol worship. The signs provided by the Gemara here serve to determine whether or not the animal was alive when its heart was removed.

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אֵין עָלָיו קוֹרֶט דָּם – מוּתָּר. אָמַר רַב הוּנָא: לֹא שָׁנוּ אֶלָּא שֶׁלֹּא מָלְחוֹ, אֲבָל מָלְחוֹ – אָסוּר, אֵימָא מִלְּחוֹ הֶעֱבַרְתּוֹ.

If it does **not** have **a trace of blood upon it,** then it **is permitted. Rav Huna says: They taught** that a bloodless hide is permitted **only** in a case **where** the gentile **did not salt it, but** if he **salted it,** it is **prohibited,** as **I say: Its salting removed** the trace of blood.

״רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: בִּזְמַן שֶׁהַקֶּרַע שֶׁלּוֹ עָגוֹל – אָסוּר, מָשׁוּךְ – מוּתָּר״. אָמַר רַב יוֹסֵף אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הֲלָכָה כְּרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל.

§ The mishna teaches that **Rabban Shimon ben Gamliel says:** A hide is **prohibited** only **when the tear** around its heart is **circular,** but if it is **elongated,** it **is permitted.** The Gemara notes: **Rav Yosef says** that **Rav Yehuda says** that **Shmuel says:** The ***halakha*** is **in accordance with** the opinion of **Rabban Shimon ben Gamliel.**

אֲמַר לֵיהּ אַבַּיֵי: הֲלָכָה – מִכְּלָל דְּפָלִיגִי? אֲמַר לֵיהּ: מַאי נָפְקָא לָךְ מִינַּהּ? אֲמַר לֵיהּ: גְּמָרָא גְּמוֹר, זְמוֹרָתָא תְּהֵא?

Abaye said to Rav Yosef: If one rules that the ***halakha*** is in accordance with the opinion of Rabban Shimon ben Gamliel, does that mean **by inference that** the Rabbis **disagree,**[N] or perhaps there is no dispute and everyone accepts the opinion of Rabban Shimon ben Gamliel? Rav Yosef **said to him: What difference is there to you**[N] whether or not the Rabbis disagree? In either case the *halakha* is in accordance with the opinion of Rabban Shimon ben Gamliel. Abaye **said to him,** invoking a folk expression with regard to one who learns without achieving understanding: Is it simply **learn the lesson;** let **it be** like **a song?** In other words, is it sufficient to simply parrot the halakhic ruling? No; it is necessary to examine an issue to understand it even if it does not yield a practical halakhic difference.

״בָּשָׂר הַנִּכְנָס לַעֲבוֹדָה זָרָה – מוּתָּר״. מַאן תַּנָּא? אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: דְּלָא כְּרַבִּי אֶלְעָזָר, דְּאִי כְּרַבִּי אֶלְעָזָר – הָאָמַר: סְתָם מַחֲשֶׁבֶת גּוֹי לַעֲבוֹדָה זָרָה.

§ The mishna further teaches: **Meat that enters the** house of **idol worship,** before it is sacrificed, is **permitted.** The Gemara asks: **Who** is the *tanna* who **taught** this? **Rabbi Ḥiyya bar Abba said** that **Rabbi Yoḥanan said:** It is **not in accordance with** the opinion of **Rabbi Elazar, as if** one were to posit that it is **in accordance with** the opinion of **Rabbi Elazar,** this would be difficult: **Doesn't he say:** When slaughtering an animal, **a gentile's unspecified intention** is to use it **for idol worship?**[H] Accordingly, Rabbi Elazar would disagree with the ruling of the mishna that meat entering a house of idol worship is permitted.

״וְהַיּוֹצֵא – אָסוּר, מִפְּנֵי שֶׁהוּא כְּזִבְחֵי מֵתִים״. מַאי טַעְמָא? אִי אֶפְשָׁר דְּלֵיכָּא תִּקְרוֹבֶת עֲבוֹדָה זָרָה. מַנִּי? רַבִּי יְהוּדָה בֶּן בְּתֵירָא הִיא;

The mishna teaches: **And** meat **that exits** the house of idol worship **is prohibited because it is** considered **as offerings to the dead,** i.e., idols. The Gemara asks: **What is the reason** that it is classified as such? It is because it is **impossible that it is not an idolatrous offering.** The Gemara asks: **Whose** opinion does this reflect? It **is** the opinion of **Rabbi Yehuda ben Beteira.**

דְּתַנְיָא, רַבִּי יְהוּדָה בֶּן בְּתֵירָא אוֹמֵר: מִנַּיִן לְתִקְרוֹבֶת עֲבוֹדָה זָרָה שֶׁמְּטַמְּאָה בְּאוֹהֶל? שֶׁנֶּאֱמַר: ״וַיִּצָּמְדוּ לְבַעַל פְּעוֹר וַיֹּאכְלוּ זִבְחֵי מֵתִים״, מַה מֵּת מְטַמֵּא בְּאוֹהֶל, אַף תִּקְרוֹבֶת עֲבוֹדָה זָרָה מְטַמְּאָה בְּאוֹהֶל.

As it is taught in a *baraita*: **Rabbi Yehuda ben Beteira says: From where** is it derived **that an idolatrous offering**[H] **imparts ritual impurity by means of a tent** to an individual or item situated together with it under the same structure, even if they do not come into direct contact? **As it is stated: "They joined themselves also unto Baal of Peor, and ate the offerings to the dead"** (Psalms 106:28). **Just as a corpse imparts ritual impurity by means of a tent, so too idolatrous offerings impart ritual impurity by means of a tent.** Similarly, Rabbi Yehuda ben Beteira would hold that just as it is prohibited to derive benefit from a corpse, so too it is prohibited to derive benefit from idolatrous offerings.

NOTES

By inference that the Rabbis disagree – מִכְּלָל דְּפָלִיגִי: An explicit ruling in accordance with a particular authority indicates the exclusion of another opinion. If there is no dissenting opinion it is obvious that one follows the ruling of the Sage who stated the opinion.

What difference is there to you – מַאי נָפְקָא לָךְ מִינַּהּ: Even if the Rabbis disagree with Rabban Shimon ben Gamliel, there is no practical ramification to this fact. Some commentaries write that in this case there was in fact no dissenting opinion (Rabbeinu Ḥananel).

HALAKHA

A gentile's unspecified intention is to use it for idol worship – סְתָם מַחֲשֶׁבֶת גּוֹי לַעֲבוֹדָה זָרָה: A gentile is not assumed to slaughter animals for the sake of idol worship, and therefore one may derive benefit from such animals. By contrast, wine touched by a gentile is suspected of having been used for idolatry and therefore one is prohibited to even derive benefit from it (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 11:4; *Shulḥan Arukh, Yoreh De'a* 2:1).

Idolatrous offering – תִּקְרוֹבֶת עֲבוֹדָה זָרָה: An idolatrous offering imparts ritual impurity through contact and through being carried if it is the volume of an olive-bulk, but it does not transmit ritual impurity by means of a tent. This ruling is in accordance with the opinion of the Rabbis mentioned in the first chapter of tractate *Ḥullin* (13b), not the opinion of Rabbi Yehuda ben Beteira (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 6:7 and *Kesef Mishne* there).

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״הַהוֹלְכִין לְתַרְפוּת – אֲסוּרִין לָשֵׂאת וְלָתֵת עִמָּהֶם״. אָמַר שְׁמוּאֵל: גּוֹי הַהוֹלֵךְ לְתַרְפוּת – בַּהֲלִיכָה אָסוּר, דְּאָזֵיל וּמוֹדֵי קַמֵּי עֲבוֹדָה זָרָה, בַּחֲזָרָה מוּתָּר, מַאי דַּהֲוָה הֲוָה;

§ The mishna teaches: With regard to **those going to a festival of idolatry,** it is **prohibited to engage with them in business.** The Gemara notes that **Shmuel says:** In the case of **a gentile who goes to a festival of idolatry,**[H] if he is **on** his **way to** the festival **it is prohibited** to engage in business with him, **as he** subsequently **goes and** offers **thanks before** the object of **idol worship. Upon** his **return it is permitted,** as **what was, was,** i.e., he has already finished his worship, and refraining from engaging in business with the gentile at this stage will accomplish nothing.

יִשְׂרָאֵל הַהוֹלֵךְ לְתַרְפוּת – בַּהֲלִיכָה מוּתָּר, דִּלְמָא הָדַר בֵּיהּ וְלָא אָזֵיל. בַּחֲזָרָה אָסוּר, כֵּיוָן

Conversely, with regard to **a Jew who goes to a festival of idolatry,** if he is **on** his **way to** the festival **it is permitted** to engage in business with him, as **perhaps he will retract from** his plan **and will not go. Upon** his **return, it is prohibited, since**

HALAKHA

A gentile who goes to a festival of idolatry – גּוֹי הַהוֹלֵךְ לְתַרְפוּת: It is prohibited to engage in business with gentiles on their way to a festival of idolatry, but it is permitted upon their return. This *halakha* is in accordance with the opinion of Shmuel. Nevertheless, the practice is to permit engaging in business with gentiles in both cases, for various reasons; see 2a (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:18; *Shulḥan Arukh*, *Yoreh De'a* 148:11–12).

Perek **II**
Daf **33** Amud **a**

דַּאֲבִיק בָּהּ מֵהָדַר הָדַר אָזֵיל.

he will cleave to it and **go** to worship idolatry **once again.**

וְהָתַנְיָא: יִשְׂרָאֵל הַהוֹלֵךְ לְתַרְפוּת, בֵּין בַּהֲלִיכָה בֵּין בַּחֲזָרָה – אָסוּר! אֵימַר רַב אַשִׁי: כִּי תַּנְיָא הַהִיא – בְּיִשְׂרָאֵל מְשׁוּמָּד, דְּוַדַּאי אָזֵיל.

The Gemara asks: **But isn't it taught** in a *baraita* that with regard to **a Jew who goes to a festival of idolatry,**[H] **whether** he is **on the way** there **or returning** from it, it is **prohibited** to engage in business with him? The Gemara answers that **Rav Ashi said: When that** *baraita* **is taught,** it is **in** reference to **an apostate Jew,**[N] **who** will **certainly go** to the festival, and will certainly not change his mind.

תָּנוּ רַבָּנַן: גּוֹי הַהוֹלֵךְ לְיָרִיד, בֵּין בַּהֲלִיכָה בֵּין בַּחֲזָרָה – מוּתָּר; יִשְׂרָאֵל הַהוֹלֵךְ לְיָרִיד, בַּהֲלִיכָה – מוּתָּר, בַּחֲזָרָה – אָסוּר.

The Sages taught: With regard to **a gentile who goes to a fair,**[HN] where goods and idols are bought and sold, **whether** he is **on the way** there **or returning** from it, it is **permitted** to engage in business with him. With regard to **a Jew who goes to a fair,** when he is **on the way** there, it is **permitted** to engage in business with him, but if he is **returning** from it, it is **prohibited.**

מַאי שָׁנְא יִשְׂרָאֵל דְּבַחֲזָרָה אָסוּר? דְּאָמְרִי: עֲבוֹדָה זָרָה זֵבִין, דְּמֵי עֲבוֹדָה זָרָה אִיכָּא בַּהֲדֵיהּ – גּוֹי נַמִּי נֵימָא: עֲבוֹדָה זָרָה זֵבִין, דְּמֵי עֲבוֹדָה זָרָה אִיכָּא בַּהֲדֵיהּ!

The Gemara asks: **What is different** about **a Jew that** it is **prohibited** to engage in business with him when he is **returning?** The Gemara answers that this is in accordance with that **which** the Sages **say: He sold** objects of **idol worship,** and therefore **money** gained from **idol worship is in his possession.** Since the money in his possession is assumed to have been gained through objects of idolatry, it is prohibited to engage in business with the Jew. The Gemara challenges: But with regard to **a gentile, also, let us say: He sold** objects of **idol worship,** and therefore **money** gained from **idol worship is in his possession.** Why is it prohibited to do business only with the Jew?

אֶלָּא גּוֹי אָמְרִינַן: גְּלִימָא זֵבִין, חַמְרָא זֵבִין – יִשְׂרָאֵל נַמִּי נֵימָא: אֵימוּר גְּלִימָא זֵבִין, חַמְרָא זֵבִין! אִי אִיתָא דַּהֲוָה לֵיהּ, הָכָא הֲוָה מְזַבֵּין לֵיהּ.

The Gemara suggests: **Rather,** with regard to **a gentile, we say: He sold clothing** or **he sold wine,** but not idols. The Gemara questions this: Then with regard to **a Jew, also, let us say:** One should **say** that **he sold clothing** or **he sold wine,** but not idols. The Gemara explains: **If he had** only wine or clothing to sell, **he would have sold** them **here** instead of going to the fair. The fact that he exerted himself to travel to a fair of gentiles indicates that he intended to sell idols.

HALAKHA

A Jew who goes to a festival of idolatry – יִשְׂרָאֵל הַהוֹלֵךְ לְתַרְפוּת: It is permitted to do business with a Jew who is traveling to a festival of idolatry, but prohibited when he is returning from it. If he is an apostate, it is prohibited in both cases (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:18; *Shulḥan Arukh*, *Yoreh De'a* 148:11).

A gentile who goes to a fair, etc. – גּוֹי הַהוֹלֵךְ לְיָרִיד וכו': It is permitted to do business with a gentile who is traveling to or from a fair. It is prohibited to do business with a Jew when he is returning from the fair, but permitted when his traveling to it (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:18; *Shulḥan Arukh*, *Yoreh De'a* 149:5, and in the comment of Rema; see also 144:1).

NOTES

In reference to an apostate Jew, etc. – בְּיִשְׂרָאֵל מְשׁוּמָּד וכו': It is assumed that an apostate will cleave to his idolatrous worship and is unlikely to refrain from going to the festival regardless of the influence of another Jew.

Who goes to a fair – הַהוֹלֵךְ לְיָרִיד: Although the fair is associated with idol worship, it can be presumed that the gentile is going simply to buy and sell merchandise (Rashi). With regard to the difference between gentiles and Jews in this regard, Rabbeinu Ḥananel explains that gentiles cannot legally exempt themselves from going to the fair and therefore they take their wares to sell them while they are there. By contrast, in the case of a Jew, who is not expected to participate in the fair, it is assumed that he is traveling there only for the purpose of selling idols, since he cannot do so in the confines of his own community.

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"וְהַבָּאִין – מוּתָּרִין". אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: לֹא שָׁנוּ אֶלָּא שֶׁאֵין קְשׁוּרִין זֶה בָּזֶה, אֲבָל קְשׁוּרִין זֶה בָּזֶה – אֲסוּרִין, אֵימָא דַּעְתּוֹ לַחֲזוֹר.

§ The mishna teaches: **And** with regard to **those who are coming** from a festival of idolatry, it is **permitted** to engage with them in business. **Rabbi Shimon ben Lakish says:** The Sages **taught** this **only** with regard to a case **where** those returning **are not attached to one another,**[NH] i.e., they are not traveling in groups. **But** where **they are attached to one another** it is **prohibited** to engage in business with them, as **I say:** The gentile **intends to return** to the festival with his companions.

"נוֹדוֹת הַגּוֹיִם וְקַנְקַנֵּיהֶם". תָּנוּ רַבָּנַן: נוֹדוֹת הַגּוֹיִם, גְּרוּדִים חֲדָשִׁים – מוּתָּרִין, יְשָׁנִים וּמְזוּפָּפִין – אֲסוּרִין; גּוֹי רִיבְּבָן וְיִשְׂרָאֵל נָתַן לְתוֹכָן יַיִן, וְיִשְׂרָאֵל עוֹמֵד עַל גַּבָּיו – אֵינוֹ חוֹשֵׁשׁ.

§ The mishna further teaches: **Wineskins and jugs** that belong **to gentiles**[H] and that have a Jew's wine contained in them are prohibited. **The Sages taught:** With regard to **wineskins of gentiles,** if they are **stripped** and free from tar, and **new,**[N] **they are permitted,** but **old and tarred** containers[N] **are prohibited.** Nevertheless, if **a gentile pitched them** [*ribbevan*][L] **and lined them and added wine to them** to negate the flavor of the tar while **a Jew stands over him,** one need **not** be **concerned** for a prohibition.

וְכִי מֵאַחַר דְּגּוֹי נוֹתֵן לְתוֹכָן יַיִן, כִּי יִשְׂרָאֵל עוֹמֵד עַל גַּבָּיו מַאי הֲוֵי? אָמַר רַב פַּפָּא, הָכִי קָאָמַר: גּוֹי רִיבְּבָן וְעִיבְּדָן, וְיִשְׂרָאֵל נוֹתֵן לְתוֹכָן יַיִן, וְיִשְׂרָאֵל אַחֵר עוֹמֵד עַל גַּבָּיו – וְאֵינוֹ חוֹשֵׁשׁ.

The Gemara asks: **But once** we have established **that a gentile places wine in** the containers, **what of** the fact that **a Jew stands over him?**[N] Why does this affect the *halakha*? The Gemara explains: **Rav Pappa said** that **this** is what the *baraita* **is saying:** If **a gentile pitched** the containers **and lined them, and a Jew** then **placed wine in them while another Jew stood over him,** one need **not** be **concerned** that it is prohibited.

וּמֵאַחַר דְּיִשְׂרָאֵל נוֹתֵן לְתוֹכָן יַיִן, יִשְׂרָאֵל אַחֵר עוֹמֵד עַל גַּבָּיו לָמָּה לִי? דִּלְמָא אַגַּב טִירְדֵּיהּ מְנַסֵּךְ וְלָאו אַדַּעְתֵּיהּ.

The Gemara asks: **But since a Jew** is the one who **places wine in them, why do I** need **another Jew** to **stand over him?** The Gemara answers: It is necessary as **perhaps due to** the Jew's **preoccupation** with pouring the wine, the gentile will manage to **libate** the wine, **and** the Jew will be **unaware** of it.

רַב זְבִיד אָמַר: לְעוֹלָם כִּדְקָאָמְרַתְּ מֵעִיקָּרָא, וְהָכָא בְּעִידָּנָא דְּקָא שָׁדֵי לֵיהּ נַעֲשָׂה כְּזוֹרֵק מַיִם לַשִּׁיט. אָמַר רַב פַּפִּי, שְׁמַע מִינַּהּ מִדְּרַב זְבִיד: הַאי גּוֹי דְּשָׁדָא חַמְרָא לְבֵי מִילְּחֵי דְּיִשְׂרָאֵל – שָׁרֵי.

The Gemara presents an alternative interpretation. **Rav Zevid said: Actually,** it should be **as you initially said,** that the gentile himself pours the wine. **And here, when he pours** the wine into the container, **he is considered as one who splashes water in clay**[N] and does not intend to use it as a libation. **Rav Pappi said: Conclude from** the statement **of Rav Zevid** that with regard to **this** incident involving **a gentile who casts wine into the salt receptacle**[N] **of a Jew,** the salt is **permitted,** as the gentile has no intention of using the wine as a libation.

מַתְקִיף לָהּ רַב אַשִׁי: מִי דָּמֵי? הָתָם קָאָזֵיל לְאִיבּוּד, הָכָא לָא קָאָזֵיל לְאִיבּוּד!

Rav Ashi objects to this: Are the two cases **comparable? There,** with regard to the pitched container, the flavor of the wine **is going to** be **lost,** due to the tar. But **here,** in the case of the salt receptacle, the flavor of the wine **is not going to** be **lost.** Therefore there is no reason to rule that the salt is permitted.

NOTES

Attached to one another – קְשׁוּרִין זֶה בָּזֶה: Individuals who travel together are presumably advancing to a common destination. Since the gentiles have not yet gone their separate ways but remain in a single group, it is assumed that they plan to return to the fair together (Jerusalem Talmud).

Stripped free from tar and new – גְּרוּדִים חֲדָשִׁים: Rashi explains that in this context the term: Stripped, means that they have no tar in them. Additionally, the containers do not have to be completely new; they are permitted even if they have been in use for a short period of time. The reason for this leniency is that leather wineskins do not absorb wine over a limited duration of time. Others maintain that new wineskins are those which have never contained any wine in them whatsoever. They are permitted because had they held wine for even the shortest period of time, the wine would have left a noticeable trace (*Tosafot*, citing Rabbi Eliyahu of Paris).

Old and tarred containers – יְשָׁנִים וּמְזוּפָּפִין: According to Rashi this is referring to containers that are either old or tarred. Old wineskins are prohibited because they have certainly absorbed the wine of gentiles over time, while tarred wineskins are prohibited because the tar absorbs the flavor of the wine after a single usage.

Others maintain that when the Gemara makes reference to aged wineskins, it means any container into which wine was placed even once, as the wine is intended to remain there for an extended period of time (Rabbi Eliyahu of Paris). With regard to tarred receptacles, Rabbi Eliyahu of Paris claims that they are prohibited even if they are completely unused, due to the concern that a gentile might have covertly added some wine, which would remain undetected in the tar.

What of the fact that a Jew stands over him – כִּי יִשְׂרָאֵל עוֹמֵד עַל גַּבָּיו מַאי הֲוֵי: Although the gentile does not actually touch the wine itself, pouring it is the primary form of libation. It is therefore not feasible to assume that wine poured by a gentile would be permitted, even if a Jew was standing over him at the time (Rid).

As one who splashes water in clay – כְּזוֹרֵק מַיִם לַשִּׁיט: Rashi explains that water absorbed in clay eventually evaporates completely. Similarly, wine added to the tar disappears entirely, which is why the wineskin is permitted.

In the Jerusalem Talmud an alternative explanation is provided: There is no cause for concern in this case because gentiles do not pour their libations onto a filthy surface (see Rid, Ramban, and Rabbeinu Ḥananel).

Into the salt receptacle – לְבֵי מִילְּחֵי: Rashi explains that this is referring to a container of salt. According to Rav Zevid, the wine is absorbed by the salt and is nullified. Rav Ashi holds that the wine is absorbed but not consumed, and therefore imparts some flavor to the salt. Others maintain that the Gemara is referring to the addition of wine during the salt-making process (Rabbeinu Tam).

LANGUAGE

Pitched them [*ribbevan*] – רִיבְּבָן: From the mishnaic term *revav*, which originally referred to grease or a greasy object. Accordingly, *ribbevan* means to smear a greasy substance over a surface. In the case of barrels and jugs, this usually refers to tar. Leather-based containers such as wineskins would sometimes be soaked in oil rather than tanned, which would be the meaning of *ribbevan* in that context. This procedure is still performed today.

HALAKHA

Attached to one another – קְשׁוּרִין זֶה בָּזֶה: It is permitted to do business with gentiles who are returning from a festival of idolatry only if they are not traveling in a group, as this indicates their intention to return to the festival. This *halakha* is in accordance with the statement of Rabbi Shimon ben Lakish (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:17; *Shulḥan Arukh*, *Yoreh De'a* 148:11).

Wineskins and jugs that belong to gentiles, etc. – נוֹדוֹת הַגּוֹיִם וְקַנְקַנֵּיהֶם וכו': The Rambam writes that one who purchases new, unpitched vessels from a gentile may place wine in them immediately, without concern that they had contained forbidden wine. If they were pitched, he must rinse them first. This ruling is in accordance with Rabbeinu Tam's version of the text. The Rambam does not mention the *halakha* with regard to older containers (*Kesef Mishne*; see also *Leḥem Mishne*).

The *Shulḥan Arukh* writes that one who does not intend to keep the vessels permanently may use them, provided that they have not been pitched and that he rinses them thoroughly beforehand. This *halakha* applies to vessels made of leather, wood, metal, glass, and stone. But if they have been pitched and have held wine, one must peel off the tar and rinse them thoroughly before use. This is also in accordance with Rabbeinu Tam's version of the *baraita*. The halakhic authorities, citing Rabbeinu Yitzḥak, write that nowadays, when wine is not commonly added to the tar during the pitching process, in all cases the containers are permitted if it is apparent that they have not held wine (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:17; *Shulḥan Arukh*, *Yoreh De'a* 135:1).

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בַּר עֲדִי טָיְיעָא אֲנַס הָנְהוּ זִיקֵי מֵרַב יִצְחָק בַּר יוֹסֵף, רְמָא בְּהוּ חֲמָרָא וְאַהַדְרִינְהוּ נִיהֲלֵיהּ, אֲתָא שְׁאֵיל בֵּי מִדְרָשָׁא; אֲמַר לֵיהּ רַבִּי יִרְמְיָה, כָּךְ הוֹרָה רַבִּי אַמִּי הֲלָכָה לְמַעֲשֶׂה: מְמַלְּאָן מַיִם שְׁלֹשָׁה יָמִים וּמְעָרָן. וְאָמַר רָבָא: צָרִיךְ לְעָרָן מֵעֵת לְעֵת.

The Gemara relates a relevant incident. **Bar Adi the Arab seized certain wineskins from Rav Yitzḥak bar Yosef, placed wine in them** for an extended period of time, **and** then **returned them to him.** Rav Yitzḥak bar Yosef **came** and **asked** in **the study hall** what course of action he should take. **Rabbi Yirmeya said to him: This** is what **Rabbi Ami instructed** me to do in terms of **practical *halakha*: One fills** the skins with **water**[H] for **three days,** so that the water will absorb the flavor of the wine, **and** then **pours** the water **out. And Rava says:** In addition, one **must pour out** the water in **them** every **twenty-four-hour period** and then refill them. Once this has been performed, the wineskins will be permitted.

סְבוּר מִינָּהּ: הָנֵי מִילֵּי דִּידָן, אֲבָל דִּידְהוּ לָא; כִּי אֲתָא רָבִין אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: אֶחָד שֶׁלָּנוּ וְאֶחָד שֶׁלָּהֶם. סָבַר רַב אַחָא בְּרֵיהּ דְּרָבָא קַמֵּיהּ דְּרַב אַשִׁי לְמֵימַר: הָנֵי מִילֵּי נוֹדוֹת, אֲבָל קַנָּקַנִּים לָא; אֲמַר לֵיהּ רַב אַשִׁי: לָא שְׁנָא נוֹדוֹת וְלָא שְׁנָא קַנָּקַנִּים.

It was **understood from** the above incident that **this matter,** i.e., that one may fill the wineskins with water for three days to render them permitted, applies only to **our** wineskins that were taken by gentiles. **But** with regard to **their** own wineskins, it does **not** apply,[N] as they are permanently prohibited. **When Ravin came** from Eretz Yisrael to Babylonia, he said that **Rabbi Shimon ben Lakish says: Both ours and theirs** can be rendered permitted in this manner. Similarly, **Rav Aḥa, son of Rava, thought to say before Rav Ashi: This matter** applies only to **wineskins, but not** to **jugs. Rav Ashi said to him:** There is **no difference** between **wineskins and jugs,** as both can be rendered permitted in this manner.

תָּנוּ רַבָּנַן: קַנָּקַנִּים שֶׁל גּוֹיִם, חֲדָשִׁים גְּרוּדִים – מוּתָּרִין, יְשָׁנִים וּמְזוּפָּפִין – אֲסוּרִין; גּוֹי נוֹתֵן לְתוֹכָן יַיִן – יִשְׂרָאֵל נוֹתֵן לְתוֹכָן מַיִם, גּוֹי נוֹתֵן לְתוֹכָן יַיִן – יִשְׂרָאֵל נוֹתֵן לְתוֹכָן צִיר וּמוֹרַיִס, וְאֵינוֹ חוֹשֵׁשׁ.

§ The Gemara continues to discuss the halakhic status of various wineskins. **The Sages taught:** With regard to **wineskins of gentiles,** if they are **new** and **stripped** free from tar, **they are permitted,** but **old and tarred** containers **are prohibited.** If **a gentile places wine in them,** the **Jew** should **put water in them.**[HN] Additionally, if **a gentile places wine in them,** the **Jew may put brine and fish stew in them**[HN] immediately, **and** he need **not** be **concerned.**

אִיבַּעְיָא לְהוּ:

A dilemma was raised before the Sages:

HALAKHA

One fills the skins with water, etc. – מְמַלְּאָן מַיִם וכו׳: One may use wineskins and jugs that have held a wine of a gentile only after he has let water sit in them for three days, replacing the water every twenty-four hours. It makes no difference whether or not the container originally belonged to the gentile. This ruling is in accordance with the opinions of Rabbi Ami, Rava, Rabbi Shimon ben Lakish, and Rav Ashi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:15; *Shulḥan Arukh*, *Yoreh De'a* 135:4, 12).

The Jew should put water in them – יִשְׂרָאֵל נוֹתֵן לְתוֹכָן מַיִם: Vessels that are prohibited due to a the wine of a gentile may be used for water and other liquids after they have been thoroughly rinsed out so that any remnant of the wine has been washed away, in accordance with the *baraita* (*Shulḥan Arukh*, *Yoreh De'a* 137:4).

The Jew may put brine and fish stew in them – יִשְׂרָאֵל נוֹתֵן לְתוֹכָן צִיר וּמוֹרַיִס: Brine and fish stew may be placed in a gentile's container even before it is rinsed. Once brine has been placed inside it, the vessel may be used for holding any other liquid as well, as the brine corrodes whatever wine may have been absorbed by the container. This *halakha* is in accordance with the *baraita* and the conclusion of the Gemara on 33b (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:16).

NOTES

But with regard to their own wineskins it does not apply – אֲבָל דִּידְהוּ לָא: The option of filling up a wineskin with water for three days applies only if it belongs to a Jew. The reason is that a Jew's wineskin has absorbed kosher wine over a long period of time and held a gentile's wine for only a short while, whereas the wineskin of a gentile has held prohibited wine for an extended duration. Consequently, the method used to permit a Jew's wineskin is not necessarily effective for that of a gentile.

The Jew should put water in them – יִשְׂרָאֵל נוֹתֵן לְתוֹכָן מַיִם: Rashi explains that one must leave water in the wineskins for three days, replacing the water every twenty-four hours. Others maintain that this clause means that one may drink water from the wineskins immediately, without concern that it will absorb the wine; but if one wishes to fill the skins with wine, he must first fill it with water for three days (Rashba in *Torat HaBayit*; see Ritva).

May put brine and fish stew in them – נוֹתֵן לְתוֹכָן צִיר וּמוֹרַיִס: Rashi explains that there is no need to be concerned that the wine will impart flavor to the brine, which is very salty and will corrode any small amount of wine it may have absorbed. Others maintain that the Gemara is providing an alternative to filling the wineskin with water. With regard to this method of brine or fish stew, it is uncertain as to whether it must also be left for three days and refilled every twenty-four hours (see Meiri). *Tosafot* provide a similar interpretation.

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לְכַתְּחִלָּה אוֹ דִיעֲבַד? תָּא שְׁמַע, דְּתָנֵי רַב זְבִיד בַּר אוֹשַׁעְיָא: הַלּוֹקֵחַ קַנְקַנִּים מִן הַגּוֹיִם, חֲדָשִׁים – נוֹתֵן לְתוֹכָן יַיִן, יְשָׁנִים – נוֹתֵן לְתוֹכָן צִיר וּמוֹרֵיס לְכַתְּחִלָּה.

Is it permitted to put brine or fish stew in the wineskins *ab initio*, **or** is the substance permitted only **after the fact?**[N] The Gemara suggests: **Come** and **hear** a resolution to the dilemma, **as Rav Zevid bar Oshaya teaches:** With regard to **one who purchases jugs from gentiles,** if they are **new, he may place wine in them,** and if they are **old, he may place brine and fish stew in them** ***ab initio*.**

בָּעָא מִינֵּיהּ רַבִּי יְהוּדָה נְשִׂיאָה מֵרַבִּי אַמִּי: הֶחֱזִירָן לְכִבְשַׁן הָאֵשׁ וְנִתְלַבְּנוּ, מַהוּ? אֲמַר לֵיהּ: צִיר שׁוֹרֵף, אוּר לֹא כָּל שֶׁכֵּן? אִתְּמַר נַמִי: אָמַר רַבִּי יוֹחָנָן, וְאָמְרִי לָהּ אָמַר רַבִּי אַסִּי אָמַר רַבִּי יוֹחָנָן: קַנְקַנִּים שֶׁל גּוֹיִם שֶׁהֶחֱזִירָן לְכִבְשַׁן הָאֵשׁ, כֵּיוָן שֶׁנִּשְׂרָה זִיפָתָן מֵהֶן – מוּתָּרִין.

§ The Gemara discusses the effect of fire on prohibited vessels. **Rabbi Yehuda Nesia raised a dilemma before Rabbi Ami:** If **one returned** prohibited containers **to the furnace**[H] **and they whitened** due to its heat, **what is** the *halakha*? Is the fire assumed to expunge the absorbed wine or not? Rabbi Ami **said to him:** If **brine burns** away the wine, **all the more so** is it **not** clear that **fire** does as well? **It was also stated** that **Rabbi Yoḥanan says, and some say Rabbi Asi says** that **Rabbi Yoḥanan says:** With regard to **jugs belonging to gentiles that one returned to the furnace, once their tar has disintegrated they are permitted.**

אֲמַר רַב אַשִׁי: לָא תֵּימָא עַד דְּנָתְרָן, אֶלָּא אֲפִילּוּ רְפָאי מִירְפָּא אַף עַל גַּב דְּלָא נְתַר. קִינְסָא – פְּלִיגִי בָּהּ רַב אַחָא וְרָבִינָא, חַד אָסַר, וְחַד שָׁרֵי. וְהִלְכְתָא כְּמַאן דְּאָסַר.

Rav Ashi said: Do not say that the jugs must stay in the furnace **until** the tar **falls** apart entirely; **rather, even** if it only **softens,** the jug is permitted, **despite** the fact **that** the tar **did not fall** off. The Gemara adds: With regard to a situation in which the tar was removed by dropping ignited **splinters of wood** [***kinsa***][LN] into the jug, **Rav Aḥa and Ravina disagree: One deemed** the jug **prohibited, and one deemed** it **permitted.** The Gemara adds: **And the *halakha*** is **in accordance with** the opinion of **the one who deemed** it **prohibited.**

אִיבַּעְיָא לְהוּ: מַהוּ לִיתֵּן לְתוֹכוֹ שֵׁכָר? רַב נַחְמָן וְרַב יְהוּדָה אָסְרִי, וְרָבָא שָׁרֵי. רָבִינָא שָׁרָא לֵיהּ לְרַב חִיָּיא בְּרֵיהּ דְּרַב יִצְחָק לְמֵירְמָא בֵּיהּ שִׁכְרָא, אֲזַל רְמָא בֵּיהּ חַמְרָא; וַאֲפִילּוּ הָכִי לָא חָשׁ לָהּ לְמִילְתָא, אֲמַר: אַקְרַאי בְּעָלְמָא הוּא.

The Gemara discusses the *halakha* with regard to beer kept in a prohibited vessel. **A dilemma was raised before** the Sages: **What is** the *halakha* with regard **to putting beer in it?**[HN] **Rav Naḥman and Rav Yehuda prohibited** this, **and Rava permitted** it. The Gemara notes that **Ravina permitted Rav Ḥiyya, son of Rav Yitzḥak, to pour beer into** such a jug, but **he went** and **poured wine into it** instead. **And even so,** Ravina **was not concerned over the matter,** as **he said** to himself: **It is merely an incidental** occurrence. The fact that Rav Ḥiyya mistakenly poured wine into the jug instead of beer is not a reason to prohibit filling it with beer in general.

רַב יִצְחָק בַּר בִּיסְנָא הֲוָה לֵיהּ הָנְהוּ מָאנֵי דְּפָקוֹסְנָא, מַלֵּינְהוּ מַיָּא אַנְּחִינְהוּ בְּשִׁימְשָׁא, פְּקַעוּ; אֲמַר לֵיהּ רַבִּי אַבָּא: אַסְרַתִּינְהוּ עֲלָךְ אִיסּוּרָא דְּלְעוֹלָם, אֵימוּר דַּאֲמוּר רַבָּנַן – מְמַלִּינְהוּ מַיָּא, אַנּוּחֵי בְּשִׁימְשָׁא מִי אֲמוּר?

§ The Gemara discusses different vessels and the *halakhot* that pertain to them. **Rav Yitzḥak bar Bisna had certain vessels** made **of** cow **dung** [***defakosna***][N] that had contained wine of gentiles, **which he filled** with **water** and **placed in the sun** in order to rid them of the forbidden substance they had absorbed. As a result, **they burst. Rabbi Abba** then **said to him** in jest: **You have rendered them prohibited to you forever,** i.e., you have destroyed them completely. You **may say that the Sages said** that one should **fill** the containers with **water,** but **did** anyone **say** that you should **place them in the sun?**

HALAKHA

If one returned the prohibited containers to the furnace – הֶחֱזִירָן לְכִבְשָׁן: In the case of earthenware vessels that were filled with a gentile's wine and then placed in a furnace until the tar they contained softened, they are permitted. If one wishes to cleanse the container from within, it must be heated to the point that one's hand would instinctively recoil from the heat of the vessel's outer surface. This *halakha* is in accordance with the opinions of Rabbi Yoḥanan and Rav Ashi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:15; *Shulḥan Arukh*, *Yoreh De'a* 135:14).

What is the *halakha* with regard to putting beer in it – מַהוּ לִיתֵּן לְתוֹכוֹ שֵׁכָר: Containers that have been prohibited as a result of storing a gentile's wine may be used to hold beer and other beverages temporarily (*Shakh*), provided that one rinses off any residual wine found on the vessel. This *halakha* is in accordance with the ruling of Ravina (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:16; *Shulḥan Arukh*, *Yoreh De'a* 137:4).

LANGUAGE

Splinters of wood [*kinsa*] – קִינְסָא: Apparently from the Syriac *kisa*, meaning wood or tree. The word *kinsa* can refer to a tree or a piece of its bark.

NOTES

***Ab initio* or after the fact – לְכַתְּחִלָּה אוֹ דִיעֲבַד:** Rashi explains that this question is referring to the issue of placing brine or fish stew in the wineskins. Conversely, Rabbeinu Ḥananel maintains that it is a broader query that concerns all of the cases mentioned in the *baraita* (see *Tosafot* on 33a).

Splinters of wood – קִינְסָא: This does not apply only to splinters of wood, but to any method of heating the vessel from within

What is the *halakha* with regard to putting beer in it – מַהוּ לִיתֵּן לְתוֹכוֹ שֵׁכָר: Some commentaries explain that the question is whether or not beer is similar to brine and fish stew in that its bitterness can be used to expunge the absorbed wine (Ra'ah; Ritva). Others contend that the question is whether beer is similar to water, or whether it may not be placed in the jug at all, due to the concern that one might pour wine into it instead, as in fact occurred in the episode involving Rav Ḥiyya (Ra'avad; see Rambam, Rashi, and Ran). One cannot use the wine of a Jew to render the vessels permitted, as wine does not expunge the taste of other wine.

Of cow dung – דְּפָקוֹסְנָא: Rashi and others explain that these are vessels formed of a mixture of mud and cow feces. Such vessels are usable, but are poorly made and break easily, as evident from the story related in the Gemara. Others maintain that this refers to containers fashioned from cypress wood (Rabbeinu Ḥananel; see *Bereshit Rabba*, chapter 15).

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אָמַר רַבִּי יוֹסְנָא אָמַר רַבִּי אַמִּי: כְּלִי נֶתֶר אֵין לוֹ טְהֵרָה עוֹלָמִית. מַאי כְּלִי נֶתֶר? אָמַר רַבִּי יוֹסֵי בַּר אָבִין: כְּלִי מַחְפּוֹרֶת שֶׁל צָרִיף.

Rabbi Yusna says that **Rabbi Ami says: A natron vessel**[BH] **has no ritual purification,** i.e., it cannot be rendered suitable for use, **ever.** The reason is that this material is highly absorbent. The Gemara asks: **What is a natron vessel? Rabbi Yosei bar Avin says:** It is **a vessel** crafted from **the excavation of alum** powder.

דְּבֵי פַּרְזָק רוֹפִילָא אֲנַס הָנֵי כּוּבֵי מִפּוּמְבְּדִיתָא, רְמָא בְּהוּ חַמְרָא, אַהַדְרִינְהוּ נִיהֲלַיְיהוּ; אֲתוּ שָׁיְילוּהוּ לְרַב יְהוּדָה, אֲמַר: דָּבָר שֶׁאֵין מַכְנִיסוֹ לְקִיּוּם הוּא, מְשַׁכְשְׁכָן בְּמַיִם וְהֵן מוּתָּרִין.

The Gemara relates that an individual named **Parzak, from house of the vizier** [*rofila*],[L] **seized certain vessels**[N] **from** Jews of **Pumbedita, placed wine** of gentiles **in them,** and later **returned** the containers **to them. They went** and **asked Rav Yehuda** for a halakhic ruling on this matter. Rav Yehuda **said:** This vessel **is an item that is not brought into** storage for **preservation.**[H] Accordingly, one may simply **scrub** such vessels **in water, and they are permitted.**

אֲמַר רַב עֲוִירָא: הָנֵי חַצְבֵי שְׁחִימֵי דְּאַרְמָאֵי, כֵּיוָן דְּלָא בָּלְעִי טוּבָא – מְשַׁכְשְׁכָן בְּמַיִם וּמוּתָּרִין. אֲמַר רַב פַּפִּי: הָנֵי פַּתָּוותָא דְּבֵי מִיכְסֵי, כֵּיוָן דְּלָא בָּלְעִי טוּבָא – מְשַׁכְשְׁכָן בְּמַיִם וּמוּתָּרִין.

Rav Avira said: With regard to **these dark brown Aramean jugs,**[N] **since they do not absorb** substances **well,** one need only **scrub them in water and they are permitted. Rav Pappi** likewise **said:** With regard to **these earthenware vessels from Bei Mikhsei, since they do not absorb** substances **well,** one need only **scrub them in water, and they are permitted.**

כָּסֵי – רַב אַסִי אָסַר, וְרַב אַשִׁי שָׁרֵי; אִי שָׁתֵי בְּהוּ גּוֹי פַּעַם רִאשׁוֹן – כּוּלֵי עָלְמָא לָא פְּלִיגִי דְּאָסוּר, כִּי פְּלִיגִי – בְּפַעַם שֵׁנִי.

The Gemara continues: The *halakha* with regard to **cups,** which hold wine only temporarily, is subject to a dispute: **Rav Asi prohibited** them, **and Rav Ashi permitted** them. The Gemara comments: **If a gentile drank from** a cup for the **first time,** i.e., it had never been used before, **everyone agrees that it is prohibited,** as a new cup absorbs a great deal of wine in its first usage. **They disagree when** it is being used **for a second time,** i.e., the cup has already absorbed a permitted liquid, and therefore its capacity to absorb the gentile's wine is impaired.

אִיכָּא דְּאָמְרִי: פַּעַם רִאשׁוֹן וְשֵׁנִי – כּוּלֵי עָלְמָא לָא פְּלִיגִי דְּאָסוּר, כִּי פְּלִיגִי – בְּפַעַם שְׁלִישִׁי. וְהָלְכָתָא: פַּעַם רִאשׁוֹן וְשֵׁנִי – אָסוּר, שְׁלִישִׁי – מוּתָּר.

And **there are** those **who say:** If the cup is used for the **first or** the **second time**[HN] by a gentile, **everyone agrees that** it is **prohibited. They disagree when** it is being used **for** the **third time. And the *halakha*** is that a cup used for the **first or** the **second time** by a gentile is rendered **prohibited,** but with regard to the **third** time, it is **permitted.**

BACKGROUND

Natron vessel – כְּלִי נֶתֶר: Natron is a mixture of sodium carbonate, $Na_2CO_3 \cdot 10H_2O$, that occurs naturally in colorless deposits in desert plains, although in ancient times it was often produced from seaweed. The Gemara here indicates that people would craft vessels from earth mixed with natron that they would excavate together with alum. Since this substance dissolves in water, there is no way to purify vessels constructed from it.

LANGUAGE

Vizier [*rofila*] – רוֹפִילָא: Apparently from the Latin rufuli, the military tribune chosen by the army general. This term was also employed in reference to generals of other armies and to other types of rulers.

HALAKHA

Natron vessel – כְּלִי נֶתֶר: Vessels made of natron are exceptionally absorbent and therefore can never be permitted once they have held a gentile's wine, in accordance with the opinion of Rav Ami (*Shulḥan Arukh*, *Yoreh De'a* 135:5).

An item that is not brought into storage for preservation – דָּבָר שֶׁאֵין מַכְנִיסוֹ לְקִיּוּם: Items that are not brought into storage for preservation are rendered permitted once they have been scrubbed in water. This *halakha* is in accordance with the ruling of Rav Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:17; *Shulḥan Arukh*, *Yoreh De'a* 135:1).

The first or the second time, etc. – פַּעַם רִאשׁוֹן וְשֵׁנִי וכו': The Rambam writes that a coated earthenware vessel is prohibited if a gentile drank wine from it. Once it has been rinsed three times, it becomes permitted. This is in accordance with the explanation of Rabbeinu Tam (see Ra'avad).

The *Shulḥan Arukh* rules in accordance with Rashi's explanation of the Gemara: If a new container is used by a gentile for his wine on the first or second occasion of its usage, it must be filled with water for three days. Some write that the same *halakha* applies even if it has been used by a Jew twice and subsequently by a gentile on a third occasion. Furthermore, if a Jew filled the container with water three times and only then with wine that was touched by a gentile, it need only be scrubbed before it may be used again. This is in accordance with Rashi's interpretation of the Gemara as explained by *Sefer HaTeruma*; see *Shakh*. It should be noted that if water was stored in the vessel for a long period of time, such as a quarter of a day, the vessel is assumed to have absorbed the water as though it had been used on three separate occasions (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:18, and see *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 135:4).

NOTES

Vessels – כּוּבֵי: As the Gemara explains, this refers to an earthenware vessel that is not used for storing wine for an extended period of time. Some commentaries explain that these are containers used at the winepress, which are subject to different rulings depending upon the season: When wine is being produced, they cannot be rendered permitted by scrubbing alone; at other times of the year, scrubbing is sufficient (Ra'ah).

Dark brown Aramean jugs – דְּאַרְמָאֵי חַצְבֵי שְׁחִימֵי: Rashi explains that these jugs were made of red clay soil, which yields particularly hard earthenware that absorbs relatively little. Others maintain that the vessels are brown due to their age (Ramban). According to this opinion, the Gemara is teaching that the jugs are rendered permitted by scrubbing alone, despite having been in a gentile's possession for a lengthy period of time. The reason is that they are not used for holding wine.

The first or the second time – פַּעַם רִאשׁוֹן וְשֵׁנִי: Some commentaries explain that these times mentioned by the Gemara are instances in which a Jew drank water from the cup (*Sefer HaTeruma*). Accordingly, the Gemara is saying that if the cup has already absorbed water, it would not absorb the gentile's wine and the vessel remains permitted. Others contend that the Gemara is referring to instances of rinsing, not drinking: The first time or times that a cup is rinsed do not suffice to render it permitted (Rabbeinu Tam; see Rid, Rambam, and Ramban).

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אֲמַר רַב זְבִיד: הַאי מָאנֵי דְּקוּנְיָא, חִיוָּרָא וְאוּכְמָא – שָׁרֵי, יְרוֹקָא – אָסוּר, מִשּׁוּם דְּמִיצְרִיךְ; וְאִי אִית בְּהוּ קַרְטוֹפֵי – כּוּלְּהוּ אֲסִירִי. דָּרַשׁ מָרֵימָר: קוּנְיָא, בֵּין אוּכְמָא בֵּין חִיוָּרָא בֵּין יְרוֹקָא – שָׁרֵי.

Rav Zevid said: With regard to **these glazed earthenware vessels,**[BNH] **white and black** ones **are permitted. Green** ones **are prohibited, because** they contain **alum,**[N] which absorbs liquids well. **And if** any of these vessels **have cracks**[N] **in them, they are all prohibited.**[N] **Mareimar taught: Glazed earthenware** [*kunya*][L] **is permitted, whether it is black or white or green,** because the coating impairs the capacity of the container to absorb liquids.

מַאי שְׁנָא מֵחָמֵץ בְּפֶסַח, דְּבָעוּ מִינֵּיהּ מִמָּרֵימָר: הָנֵי מָאנֵי דְּקוּנְיָא, מַהוּ לְאִשְׁתַּמּוּשֵׁי בְּהוּ בְּפִיסְחָא? יְרוֹקָא לָא תִּיבָּעֵי לָךְ, דְּמִצְרְפִי וּבָלְעִי וַאֲסִירִי, כִּי תִּיבָּעֵי לָךְ – חִיוָּרֵי וְאוּכְמֵי, מַאי?

The Gemara asks: In **what** way **is** this case **different from** the case of **leavened bread on Passover,** which is also absorbed? The Gemara explains its question: **As they** once **asked Mareimar:** With regard to **these glazed earthenware vessels, what is** the *halakha* concerning **using them on Passover?**[H] The Gemara interjects: With regard to **green** earthenware, **do not raise the dilemma, as** it contains **alum and** as a result **absorbs** leaven well, **and** it is therefore **prohibited.** Rather, **let the dilemma be raised** with regard to **white and black** earthenware. **What** is the *halakha*?

כִּי אִית בְּהוּ קַרְטוֹפֵי לָא תִּיבָּעֵי לָךְ, דְּוַדַּאי בָּלְעִי וַאֲסִירִי, כִּי תִּיבָּעֵי לָךְ – דְּשִׁיעֵי, מַאי? אֲמַר

The Gemara qualifies the question further: **Where they have cracks in them, do not raise the dilemma, as they certainly absorb** that which was placed in them **and are** therefore **prohibited.** Rather, **let the dilemma be raised where they are** perfectly **smooth: What** is the *halakha* in such a case? Mareimar **said**

BACKGROUND

Glazed earthenware vessels – מָאנֵי דְּקוּנְיָא: The Gemara is apparently referring to a vessel that has been coated with some type of colored glaze. Various glazes were made from different materials, and therefore the kind of glaze used would affect the amount of liquid that the container could absorb.

Glazed pottery

LANGUAGE

Glazed earthenware [*kunya*] – קוּנְיָא: From the Greek κονία, *konia*, meaning dust, sand, or various powders. It can be used to refer to vessels covered with glaze, lime, or stucco.

NOTES

Glazed earthenware vessels – קוּנְיָא: Rashi explains that these are vessels coated with lead. Others maintain that they are earthenware vessels with a smooth coating similar in appearance to glass (*Tosafot*; see *Meromei Sadeh*).

Because they contain alum – מִשּׁוּם דְּמִיצְרִיךְ: Some commentaries state that the halakhic status of glazed vessels which contain alum is identical to that of natron vessels, as they also contain alum (Ramban). Others contend that green vessels are like a regular earthenware vessel with respect to the purification process of filling the container with water, as their glaze impairs their capacity to absorb wine (Ra'ah; Ritva).

Cracks – קַרְטוֹפֵי: Rashi explains that these are cracks or breaks in the vessel's coating. Others claim that this refers to a vessel that was left deliberately uncoated in certain sections so that a tripod could be used to hold it on the resulting uncoated spaces of its surface (*Talmidei Rabbeinu Yona*).

They are all prohibited – כּוּלְּהוּ אֲסִירִי: That is, each vessel is prohibited to the extent of its general halakhic status: Green vessels are permanently prohibited, whereas the others can be purified with water, as explained earlier in the Gemara (Ramban).

HALAKHA

Glazed earthenware vessels – מָאנֵי דְּקוּנְיָא: Earthenware vessels that have been coated with lead or glass have the halakhic status of natron vessels and are permanently prohibited once they have held a gentile's wine. This applies only to green containers, as they contain alum, which causes them to be highly absorbent. White and black vessels have the status of metallic containers. If they are cracked, they are subject to the same *halakhot* as other uncoated earthenware vessels. This ruling is in accordance with the opinion of Rav Zevid (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 11:19; *Shulḥan Arukh*, *Yoreh De'a* 135:6).

What is the *halakha* concerning using them on Passover – מַהוּ לְאִשְׁתַּמּוּשֵׁי בְּהוּ בְּפִיסְחָא: Earthenware vessels that have contained leavened bread may not be used on Passover, even if they are coated with glass or some other substance. If the vessel is normally used for hot foods it cannot be rendered permitted through purging in boiling water. The halakhic status of a vessel that is normally used for cold foods depends upon the type of soil from which it is fashioned (Rambam *Sefer Zemanim*, *Hilkhot Ḥametz UMatza* 5:25; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 451:23, and see *Mishna Berura* there).

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לְהוּ: אֲנָא חָזֵינָא לְהוּ דְּמַדְיֵיתִי, וְכֵיוָן דְּמַדְיֵיתִי וַדַּאי בָּלְעִי וַאֲסִירִי, מַאי טַעְמָא? הַתּוֹרָה הֵעִידָה עַל כְּלִי חֶרֶס שֶׁאֵינוֹ יוֹצֵא מִידֵי דּוֹפְנוֹ לְעוֹלָם.

to them: I observe that they sweat, i.e., they exude liquid from their exterior. **And since they sweat, they certainly absorb, and are** therefore **prohibited.** The Gemara asks: **What is the reason** that they cannot be rendered permitted by purging with hot water? It is because **the Torah attested**[N] **with regard to an earthenware vessel that** substances absorbed in it are **never expelled from its walls.**

מַאי שְׁנָא מִיֵּין נֶסֶךְ, דְּדָרֵשׁ לְהוּ מָרֵימָר: כּוּלְּהוּ מָאנֵי דְּקוּנְיָא שָׁרֵי?

The Gemara reiterates its question: Mareimar ruled that glazed earthenware absorbs leavened bread permanently, but he did not rule likewise with regard to wine. But in **what** way **is** leavened bread **different from wine** used for an idolatrous **libation?** Why is it **that Mareimar taught** with regard to **them: All glazed earthenware vessels are permitted,** even if they have contained wine of gentiles?

וְכִי תֵּימָא: חָמֵץ דְּאוֹרַיְיתָא, יֵין נֶסֶךְ דְּרַבָּנַן – וְהָא כָּל דְּתַקּוֹן רַבָּנַן כְּעֵין דְּאוֹרַיְיתָא תַּקּוֹן! זֶה תַּשְׁמִישׁוֹ בְּחַמִּין, וְזֶה תַּשְׁמִישׁוֹ בְּצוֹנֵן.

The Gemara adds: **And if you would say** that these cases are different, as **leavened bread** is prohibited **by Torah law** whereas **wine** used for **a libation** is prohibited **by rabbinic** law,[N] that is difficult: **But** there is a principle that **all** ordinances **that the Sages instituted, they instituted them parallel to Torah law.** Although this wine is prohibited by rabbinic law, it is subject to the same *halakhot* as leavened bread. The Gemara answers: **This one's use is with hot** substances, **and that one's use is with cold** substances. Wine is drunk while it is cold and is therefore absorbed to a lesser extent than leavened bread, which is often cooked in the vessel.

רַבִּי עֲקִיבָא אִיקְלַע לְגִינְזַק, בָּעוּ מִינֵּיהּ: מִתְעַנִּין לְשָׁעוֹת אוֹ אֵין מִתְעַנִּין לְשָׁעוֹת? לָא הֲוָה בִּידֵיהּ; קַנְקַנִּים שֶׁל גּוֹיִם אֲסוּרִין אוֹ מוּתָּרִין? לָא הֲוָה בִּידֵיהּ; בַּמֶּה שִׁימֵּשׁ מֹשֶׁה כָּל שִׁבְעַת יְמֵי הַמִּלּוּאִים? לָא הֲוָה בִּידֵיהּ;

The Gemara relates: **Rabbi Akiva happened to** come to the city of **Ginzak,**[B] whose residents **asked him** three questions to which he did not know the answer: First, **does one fast for hours,**[N] **or does one not fast for hours?** The answer to the question **was not available to** Rabbi Akiva. Second, are clay **jars** that **belong to gentiles** permanently **prohibited, or** can they be rendered **permitted?** The answer **was not available to him.** Third, **in what** garments **did Moses serve all seven days of** the Tabernacle's **inauguration,** as acting priest when Aaron and his sons were initiated into the priesthood? Moses presumably did not wear the priestly vestments, as he himself was not a priest. Once again, the answer **was not available to him.**

אֲתָא שְׁאַל בֵּי מִדְרָשָׁא, אָמְרִי, הִלְכְתָא: מִתְעַנִּין לְשָׁעוֹת, וְאִם הִשְׁלִים – מִתְפַּלֵּל תְּפִלַּת תַּעֲנִית; וְהִלְכְתָא: קַנְקַנִּים שֶׁל גּוֹיִם לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ מוּתָּרִין; בַּמֶּה שִׁימֵּשׁ מֹשֶׁה שִׁבְעַת יְמֵי הַמִּלּוּאִים? בְּחָלּוּק לָבָן. רַב כָּהֲנָא מַתְנֵי: בְּחָלּוּק לָבָן שֶׁאֵין בּוֹ אִימְרָא.

Rabbi Akiva **came** and **asked** these questions in the **study hall. They said to him:** The ***halakha*** is that **one fasts for hours,**[H] **and if he completed** the fast **he prays the prayer of a fast.**[NH] **And** the ***halakha*** is that the **jars** that **belong to gentiles**[H] **are permitted after** they have not been used for **twelve months.** Finally, **in what** garments **did Moses serve**[N] during **the seven days of inauguration?** He did not serve in his own clothes, nor in the regular priestly vestments, but **in** a special **white cloak. Rav Kahana teaches:** Moses served **in a white cloak without a hem.**

NOTES

The Torah attested – הַתּוֹרָה הֵעִידָה: This is a reference to the verse: "But the earthen vessel wherein it is sodden shall be broken; and if it be sodden in a brazen vessel, it shall be scoured, and rinsed in water" (Leviticus 6:21). When it states that earthenware vessels must be broken, the verse is indicating that no other recourse is available.

Wine used for a libation is prohibited by rabbinic law – יֵין נֶסֶךְ דְּרַבָּנַן: Although wine that was poured as a libation to an idol is prohibited by Torah law, the discussion in this Gemara pertains to nondescript wine of gentiles, which is prohibited by rabbinic law.

Does one fast for hours – מִתְעַנִּין לְשָׁעוֹת: Some commentaries explain that the question is whether one who vows to fast for a period of a few hours until midday is considered to have accepted an official fast upon himself, or whether this is simply an act of private self-affliction (Ra'avad). Others emphasize that even if it is understood to be a private self-affliction, the vow is certainly binding, and one cannot retract despite the fact that its fulfillment is not technically considered fasting (Ritva).

Rashi, citing *Ta'anit* 12a, writes that the question arises in a case where one has incidentally not eaten during the first six hours of the day: Would taking a vow to fast and refraining from eating for the remainder of the day constitute an actual fast, seeing as he did not eat for the entire day? This issue has ramifications with regard to the *Aneinu* prayer in the *Amida*, as one recites this prayer only if he is observing a fast.

And if he completed the fast, he prays the prayer of a fast – וְאִם הִשְׁלִים מִתְפַּלֵּל תְּפִלַּת תַּעֲנִית: According to Rashi's interpretation, the Gemara is conveying a single point: One may accept a fast upon himself for the remainder of the day and therefore he adds the *Aneinu* prayer despite the fact that the first hours of his fast were incidental. According to the Ra'avad and the Ritva, the Gemara is teaching two *halakhot*: Although a partial fast until midday is considered an actual fast, one nevertheless adds the *Aneinu* prayer only if he fasts for an entire day (see Jerusalem Talmud and *Torat Ḥayyim*).

In what garments did Moses serve – בַּמֶּה שִׁימֵּשׁ מֹשֶׁה: During the seven-day inauguration of the Tabernacle, in which Aaron and his sons were initiated into the service, Moses served as a de facto priest and performed most of the services. It cannot be suggested that he wore the priestly vestments, as these were assigned by God specifically for Aaron and his sons (Rashi).

BACKGROUND

Rabbi Akiva happened to come to the city of Ginzak – רַבִּי עֲקִיבָא אִיקְלַע לְגִינְזַק: There are records of a city called Ganzak, situated in northwestern Persia, in the area once known as Media. Its exact location remains unclear; some have suggested that it was adjacent to Lake Urmia while others believe it was further north.

In any case, many commentaries hold that the text here is corrupted and that this incident, which is said to have occurred to Rabbi Akiva, actually involved Mar Ukva (see *Ta'anit* 11b). Nevertheless, it is entirely plausible that Rabbi Akiva, who was an extensive traveler, did pass through Ganzak on his journeys, notwithstanding its great distance from the Jewish communities of Babylonia.

HALAKHA

One fasts for hours – מִתְעַנִּין לְשָׁעוֹת: One may initiate an official fast for only a few hours, provided that he has refrained from eating the entire day, as explained by Rashi. Accordingly, one who was preoccupied and consumed nothing until six, or even nine, hours into the day may accept a fast upon himself for its remainder and recite *Aneinu* during his afternoon prayer. Some write that the fast must actually be accepted on the previous day, and the *halakha* stated here applies to one who vowed to undertake a fast until or from midday, but ended up fasting the entire day (Rambam *Sefer Zemanim*, *Hilkhot Ta'anit* 1:13; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 562:10).

And if he completed the fast, he prays the prayer of a fast – וְאִם הִשְׁלִים מִתְפַּלֵּל תְּפִלַּת תַּעֲנִית: One who does not fast for the entire day does not recite the *Aneinu* prayer despite the fact that he must fulfill his vow (Rambam *Sefer Zemanim*, *Hilkhot Ta'anit* 1:13; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 562:11).

Jars that belong to gentiles – קַנְקַנִּים שֶׁל גּוֹיִם: Any vessel that has been left without the wine of a gentile for a period of twelve months is permitted, as it is assumed that any trace of wine has disappeared. This is the *halakha* even if other substances such as water and permitted wine (*Shakh*) were kept in it during this period (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:15; *Shulḥan Arukh*, *Yoreh De'a* 135:16).

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HALAKHA

Grape seeds and grape skins that belong to gentiles – הַחַרְצַנִּים וְהַזַּגִּים שֶׁל גּוֹיִם: One may not derive benefit from grape seeds and skins belonging to gentiles for twelve months, after which they are permitted even for consumption, as it is assumed that no residual wine remains in them. This is the case only if the maximum quantity of wine was extracted from the grape residues. If more wine could have been produced, they remain prohibited (*Tosafot*, citing Rabbeinu Tam). Likewise, wine-based yeast is permitted after twelve months (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:14; *Shulḥan Arukh*, *Yoreh De'a* 123:14).

"הַחַרְצַנִּים וְהַזַּגִּים שֶׁל גּוֹיִם" וכו'. תָּנוּ רַבָּנַן: הַחַרְצַנִּים וְהַזַּגִּים שֶׁל גּוֹיִם – לַחִין אֲסוּרִין, יְבֵשִׁים מוּתָּרִים. הֵי נִינְהוּ לַחִין וְהֵי נִינְהוּ יְבֵשִׁין? אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: לַחִין – כָּל שְׁנֵים עָשָׂר חֹדֶשׁ, יְבֵשִׁים – לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ.

§ The mishna teaches that residual grape **seeds and grape skins** that **belong to gentiles**[H] are prohibited. **The Sages taught:** Moist grape **seeds and grape skins** that **belong to gentiles** are **prohibited,** but **dry ones are permitted.** The Gemara asks: **Which are** considered **moist and which are** considered **dry? Rav Yehuda says** that **Shmuel says:** Grape residues are considered **moist** for **all** of the first **twelve months** after the grapes were pressed, and **dry after** the first **twelve months.**

אִתְּמַר, אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: כְּשֶׁהֵן אֲסוּרִין – אֲסוּרִין אֲפִילּוּ בַּהֲנָאָה, כְּשֶׁהֵן מוּתָּרִין – מוּתָּרִין אֲפִילּוּ בַּאֲכִילָה.

It was stated that **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: When** these grape residues **are prohibited,** one is **prohibited even from** deriving **benefit** from them. **When they are permitted, they are permitted even with regard to consumption.**

אָמַר רַב זְבִיד: הַאי דּוּרְדְּיָא דְּחַמְרָא דְּאַרְמָאֵי, בָּתַר תְּרֵיסַר יַרְחֵי שַׁתָּא שָׁרֵי. אָמַר רַב חֲבִיבָא בְּרֵיהּ דְּרָבָא: הָנֵי גּוּלְפֵּי, בָּתַר תְּרֵיסַר יַרְחֵי שַׁתָּא שָׁרֵי. אָמַר רַב חֲבִיבָא: הָנֵי

Rav Zevid says: With regard to **these yeasts** produced from **the wine of Arameans, after twelve months** of **the year they are permitted. Rav Ḥaviva, son of Rava, says:** With regard to **these jugs** that belong to gentiles, **after twelve months** of **the year they are permitted. Rav Ḥaviva says:** With regard to **these**

Perek **II**
Daf **34** Amud **b**

HALAKHA

Canteens belonging to Arabs – אֲבַטָּא דְּטַיָּיעֵי: Canteens belonging to Arabs are prohibited until they have been free from prohibited substances for a period of twelve months. The reason is that these canteens are usually refilled soon after they are emptied and therefore they hold wine the majority of the time (*Shulḥan Arukh*, *Yoreh De'a* 135:16).

LANGUAGE

***Ḥilak* – חִילָק:** Of unknown origin. Some suggest it comes from the Latin hallec, which refers to slices of salted fish or fish sauce. Others contend that the word hallec itself originates from an ancient Semitic language. It is possible that it is actually derived from the Hebrew root *ḥelek*, meaning a piece or fragment. Accordingly, the term eventually came to refer to small pieces of fish.

אֲבַטָּא דְּטַיָּיעֵי, בָּתַר תְּרֵיסַר יַרְחֵי שַׁתָּא שָׁרֵי. אָמַר רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא: הָנֵי פּוּרְצָנֵי דְּאַרְמָאֵי, בָּתַר תְּרֵיסַר יַרְחֵי שַׁתָּא שָׁרֵי. אָמַר רַב אַחָא בְּרֵיהּ דְּרָבָא: הָנֵי גּוּלְפֵּי שְׁחִימֵי וְאוּפְּמֵי, בָּתַר תְּרֵיסַר יַרְחֵי שַׁתָּא שָׁרֵי.

canteens belonging **to Arabs,**[HN] **after twelve months** of **the year they are permitted. Rav Aḥa, son of Rav Ika, says:** With regard to **these Aramean grape pits, after twelve months** of **the year they are permitted. Rav Aḥa, son of Rava, says:** With regard to **these brown and black jugs,**[N] **after twelve months** of **the year they are permitted.**

"וְהַמּוֹרַיִס". תָּנוּ רַבָּנַן: מוֹרַיִס אוּמָּן – מוּתָּר. רַבִּי יְהוּדָה בֶּן גַּמְלִיאֵל אוֹמֵר מִשּׁוּם רַבִּי חֲנִינָא בֶּן גַּמְלִיאֵל: אַף חִילָק אוּמָּן – מוּתָּר.

§ The mishna teaches that **fish stew** is prohibited. **The Sages taught: Fish stew** prepared by **an expert is permitted,** as professionals do not mix wine in it. **Rabbi Yehuda ben Gamliel says in the name of Rabbi Ḥanina ben Gamliel: *Ḥilak***[L] prepared by **an expert**[N] **is also permitted.**

תָּנֵי אֲבִימִי בְּרֵיהּ דְּרַבִּי אַבָּהוּ: מוֹרַיִס אוּמָּן – מוּתָּר. הוּא תָּנֵי לָהּ וְהוּא אָמַר לֵיהּ: פַּעַם רִאשׁוֹן וְשֵׁנִי – מוּתָּר, שְׁלִישִׁי – אָסוּר, מַאי טַעְמָא? פַּעַם רִאשׁוֹן וְשֵׁנִי דְּנָפֵישׁ שׁוּמְנַייְהוּ – לָא צְרִיךְ לְמִירְמֵי בְּהוּ חַמְרָא, מִכָּאן וְאֵילָךְ רָמוּ בְּהוּ חַמְרָא.

Avimi, son of Rabbi Abbahu, would **teach: Fish stew** prepared by **an expert is permitted. He** would **teach** this *baraita* that he received through tradition, **and** then **he** would **say its** explanation: The **first time and** the **second**[N] time that fish stew is prepared from a fish, it is **permitted,** but the **third** time it is **prohibited. What is the reason?** With regard to the **first time and** the **second** time, **as** the fish's **oil is plentiful,** there is **no need to place wine in it. From this** point **forward,** one might **place wine in it** to compensate for the insufficient fish oil.

NOTES

Canteens belonging to Arabs – אֲבַטָּא דְּטַיָּיעֵי: There are various suggestions concerning the precise vessel to which the Gemara is referring. Rashi writes that this is a skin of water that Arabs would often carry with them. Others state that it is a portable container which held wine for an extended period during an Arab's travels. Consequently, it has the halakhic status of a vessel that is designed to hold liquids for long periods of time (Ra'avad). Alternatively, these are containers made from a dried gourd (Rabbeinu Ḥananel).

According to a slightly different version of the text, the Gemara is referring to some sort of seasoned, flour-based dish to which wine would be added (*Arukh*).

Brown and black jugs – גּוּלְפֵּי שְׁחִימֵי וְאוּפְּמֵי: Most of the early commentaries accept a version of the text in which this line of the Gemara is omitted, which is the text in several manuscripts.

Some explain that the Gemara here is referring to vessels made from red soil and black soil (see Ra'avad). Although the Gemara on 33b states that brown jugs require only rinsing to be rendered permitted, since the vessels mentioned here are designed for permanent use, they require twelve months to become permitted. The Ra'avad himself maintains that the Gemara is saying that even vessels which have darkened due to extensive use become permitted after the passage of twelve months in which they are empty of prohibited substances.

***Ḥilak* prepared by an expert – חִילָק אוּמָּן:** Based on the Gemara, Rashi explains that this is a type of fish which is caught in large quantities while it is small. As a result, some non-kosher fish are often caught in the net as well. Professional fishermen take care to ensure that the additional fish are removed, as they can ruin the taste of the *ḥilak*.

Others write that *ḥilak* is the name of a dish made from these fish, and the expert referred to by the Gemara is the professional who prepares it (Meiri).

The first time and the second – פַּעַם רִאשׁוֹן וְשֵׁנִי: Fish stew was prepared by soaking fish in a mixture of salt and water. This could be performed more than once with the same fish, but by the third iteration wine must be added as the fish no longer imparts enough of a taste to the mixture on its own.

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הַהוּא אַרְבָּא דְּמוֹרַיְיסָא דְּאָתֵי לְנְמֵילָא דְּעַכּוֹ, אוֹתֵיב רַבִּי אַבָּא דְּמִן עַכּוֹ נָטוֹרֵי בַּהֲדָהּ; אֲמַר לֵיהּ רָבָא: עַד הָאִידָּנָא מַאן נָטְרָהּ? אֲמַר לֵיהּ: עַד הָאִידָּנָא לְמַאן נֵיחוּשׁ לָהּ? אִי מִשּׁוּם דְּמַעֲרְבִי בֵּיהּ חַמְרָא – קִיסְתָּא דְּמוֹרַיְיס בְּלוּמָא, קִיסְתָּא דְּחַמְרָא בְּאַרְבָּעָה לוּמֵי.

The Gemara relates that there was **a certain boat** carrying **fish stew which came to the port of Akko,** and **Rabbi Abba from Akko placed guards over it** to ensure that no wine would be added to the fish stew. **Rava said to him: Until now, who guarded it?** Rabbi Abba **said to him: Until now, for what should we be concerned? If** the problem is **due to** the concern **that they mix wine in it,** that concern is unfounded, as in the place where this fish stew was produced, **a *kista*[L] of fish stew**[H] sells **for one *luma*[L]** while **a *kista* of wine** sells **for four *luma*.** Since wine was more expensive than fish stew, there is no reason to suspect that wine was added to the stew before it reached Akko, where fish stew is sold at a higher price than wine.

אֲמַר לֵיהּ רַבִּי יִרְמְיָה לְרַבִּי זֵירָא: דִּלְמָא אַיְידֵי דְּצוֹר אֲתוּ דְּשָׁוֵי חַמְרָא! אֲמַר לֵיהּ: הָתָם עִיקּוֹלֵי וּפְשׁוּרֵי אִיכָּא.

Upon hearing this, **Rabbi Yirmeya said to Rabbi Zeira:** But **perhaps they came by means of Tyre, where wine is inexpensive** and therefore likely to be added to the fish stew to increase its volume. Rabbi Zeira **said to him: There,** by way of Tyre, **there are impediments and melted** snow, which make travel very difficult, and the boat would not have sailed through that route.

״וּגְבִינַת בֵּית אוּנְיָיקִי״. אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: מִפְּנֵי מָה אָסְרוּ גְּבִינַת אוּנְיָיקִי? מִפְּנֵי שֶׁרוֹב עֲגָלִים שֶׁל אוֹתָהּ עִיר נִשְׁחָטִין לַעֲבוֹדָה זָרָה. מַאי אִירְיָא רוֹב עֲגָלִים? אֲפִילּוּ מִיעוּט נַמִּי, דְּהָא רַבִּי מֵאִיר חָיֵישׁ לְמִיעוּטָא!

§ The mishna teaches: **And cheese of Beit Unyaki** is prohibited. **Rabbi Shimon ben Lakish says: For what** reason **did they prohibit** deriving benefit from **the cheese of Beit Unyaki?** It is **because most** of the **calves of that city are slaughtered for** the sake of **idol worship,** and the milk curdled in their stomach contents is prohibited. The Gemara asks: **Why** does this explanation **specifically** mention **most calves? Even** if **a minority** of calves were slaughtered for idol worship, this would **also** be reason enough, **as Rabbi Meir,** who is the *tanna* of unattributed opinions in a mishna, **is** generally **concerned about a minority.**

אִי אָמַרְתְּ רוֹב – אִיכָּא מִיעוּט,

The Gemara explains: **If you say** that the reason for the prohibition is due to **a majority** of calves slaughtered for idol worship, then despite the fact that the majority of animals in general used to curdle cheese are not slaughtered for idolatrous purposes, **there are** nevertheless **a minority** of animals altogether, i.e., the majority of calves, that are, and this minority of calves are cause for concern according to Rabbi Meir.

אֶלָּא אִי אָמַרְתְּ מִיעוּט, כֵּיוָן דְּאִיכָּא רוֹב עֲגָלִים דְּאֵין נִשְׁחָטִין לַעֲבוֹדָה זָרָה, וְאִיכָּא נַמִּי שְׁאָר בְּהֵמוֹת דְּאֵין נִשְׁחָטִין לַעֲבוֹדָה זָרָה – הֲוָה לֵיהּ מִיעוּטָא דְּמִיעוּטָא, וּמִיעוּטָא דְּמִיעוּטָא לָא חָיֵישׁ רַבִּי מֵאִיר.

The Gemara continues: **But if you say** that Rabbi Meir prohibits the cheese due to **a minority** of calves, **since there are a majority of calves that are not slaughtered for idol worship, and there are also** a wider majority of the **remaining animals** used to curdle milk **that are not slaughtered for idol worship** at all, **this** would constitute **a minority of a minority, and Rabbi Meir is not concerned for a minority of a minority.** Since only a particular minority of animals used to curdle cheese, i.e., calves, are ever slaughtered for idolatry, and even within that group, only a minority are actually slaughtered, even Rabbi Meir would not be concerned.

אֲמַר לֵיהּ רַבִּי שִׁמְעוֹן בַּר אֶלְיָקִים לְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: כִּי נִשְׁחָטִין לַעֲבוֹדָה זָרָה מַאי הָוֵי? וְהָא אַתְּ הוּא דְּשָׁרֵי!

Rabbi Shimon bar Elyakim said to Rabbi Shimon ben Lakish: Even **when** calves **are slaughtered for** the sake of **idol worship, what of it? But are you** not **the one who permits**[N] animals slaughtered with idolatrous intentions?

דְּאִתְּמַר: הַשּׁוֹחֵט אֶת הַבְּהֵמָה לִזְרוֹק דָּמָהּ לַעֲבוֹדָה זָרָה, לְהַקְטִיר חֶלְבָּהּ לַעֲבוֹדָה זָרָה – רַבִּי יוֹחָנָן אָמַר: אֲסוּרָה, קָסָבַר מְחַשְּׁבִין מֵעֲבוֹדָה לַעֲבוֹדָה, וְיָלְפִינַן חוּץ מִפְּנִים;

As it was stated: The *halakha* with regard to **one who slaughters an animal** in order **to sprinkle its blood for** the sake of **idol worship,**[HN] or **to burn its** prohibited **fat for idol worship,** is subject to a dispute between *amora'im*. **Rabbi Yoḥanan says:** Deriving benefit from the animal is **prohibited,** as **he holds** that **one can intend from** one **rite to** another **rite.** In other words, idolatrous intent while slaughtering an animal renders it prohibited, even if the intention pertains not to the slaughter itself but to sprinkling the blood or burning the fat. **And** he maintains that **we derive** *halakhot* concerning intent **outside** the Temple **from** the *halakhot* concerning intent **inside** the Temple. Since such intentions at the time of slaughter render an animal prohibited within the Temple, they render it prohibited outside the Temple as well, with regard to idol worship.

LANGUAGE

***Kista* – קִיסְתָּא:** Some postulate that this originates from the Greek ξέστης, *xestēs*, and the Latin sextarius, which is a unit used to measure volume, possibly similar to a *log*.

***Luma* – לוּמָא:** Perhaps from the Latin nummus, with the letter l exchanged for n. It refers to a coin.

HALAKHA

Fish stew – מוֹרַיְיס: In places where it is not uncommon for wine to be added to fish stew, the fish stew of a gentile is prohibited, unless wine is more expensive in that region. Fish stew prepared in areas where residents do not add wine to it is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:26; *Shulḥan Arukh*, *Yoreh De'a* 114:11).

One who slaughters an animal in order to sprinkle its blood for idol worship – הַשּׁוֹחֵט אֶת הַבְּהֵמָה לִזְרוֹק דָּמָהּ לַעֲבוֹדָה זָרָה: One may not derive benefit from an animal that was slaughtered by one who intends to sprinkle its blood or burn its fat as an act of idol worship. This is in accordance with the opinion of Rabbi Yoḥanan, who maintains that this ruling is derived from the *halakhot* of Temple offerings (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 2:15; *Shulḥan Arukh*, *Yoreh De'a* 4:1).

NOTES

But are you not the one who permits – וְהָא אַתְּ הוּא דְּשָׁרֵי: Rabbi Shimon bar Elyakim is assuming that the procedure of slaughtering itself is not an idolatrous act. Rather, only offering the animal's heart or blood is considered to be an act of idolatry. Accordingly, the calf's slaughter does not render it prohibited.

To sprinkle its blood for idol worship – לִזְרוֹק דָּמָהּ לַעֲבוֹדָה זָרָה: The supplicant does not worship his deity through the act of slaughter. Rather, slaughtering the animal is merely the means by which he extracts the blood which he intends to sprinkle in an act of idolatry. The subject of dispute is whether or not one's intention to use the animal for idolatrous purposes after it is slaughtered renders it forbidden at the time of slaughtering. According to Rabbi Yoḥanan, just as slaughtering a Temple offering with the intention of sprinkling its blood at an improper time renders it forbidden as *piggul*, so too, slaughtering an animal with the intention of sprinkling its blood in an idolatrous fashion renders it forbidden.

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וְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אָמַר: מוּתֶּרֶת!

And Rabbi Shimon ben Lakish says: Deriving benefit from the animal is **permitted.** Apparently, Rabbi Shimon ben Lakish holds that slaughtering an animal for the sake of idol worship does not render it prohibited. This contradicts his previous assertion that it is prohibited to derive benefit from calves that have been slaughtered for the sake of idol worship.

אָמַר לֵיהּ: תִּרְמִינָךְ שַׁעְתָּךְ, בְּאוֹמֵר: בִּגְמַר זְבִיחָה הוּא עוֹבְדָהּ.

Rabbi Shimon ben Lakish **said to** Rabbi Shimon bar Elyakim: **May your fortune be auspicious;**[N] the case here is **where one says** that **he is worshipping** the idol **at the conclusion of the slaughter.** Since the act of slaughtering itself is an act of worship, the calf is rendered prohibited immediately.

״אָמַר רַבִּי יְהוּדָה: שָׁאַל רַבִּי יִשְׁמָעֵאל״. אָמַר רַב אַחֲדְבוֹי אָמַר רַב: הַמְקַדֵּשׁ בְּפֶרֶשׁ שׁוֹר הַנִּסְקָל – מְקוּדֶּשֶׁת, בְּפֶרֶשׁ עֶגְלֵי עֲבוֹדָה זָרָה – אֵינָהּ מְקוּדֶּשֶׁת; אִיבָּעֵית אֵימָא: סְבָרָא, וְאִיבָּעֵית אֵימָא קְרָא;

§ The mishna teaches that **Rabbi Yehuda said: Rabbi Yishmael asked** Rabbi Yehoshua a series of questions. The Gemara notes that **Rav Aḥadevoi says** that **Rav says:** With regard to **one who betroths** a woman **by** giving her **the excrement**[H] **of an ox that is** to be **stoned,** the woman is **betrothed,** provided that the excrement was worth one *peruta*. Although no benefit may be derived from the ox itself, it is permitted to derive benefit from its excrement. But if one attempts to betroth her **with the excrement of calves** that were used as offerings **of idol worship, she is not betrothed,** as even their excrement is forbidden. The Gemara remarks: **If you wish, propose logical reasoning, and if you wish, cite a verse** to substantiate this claim.

אִיבָּעֵית אֵימָא סְבָרָא: גַּבֵּי עֶגְלֵי עֲבוֹדָה זָרָה נִיחָא לֵיהּ בִּנְפִיחֵיהּ, אֲבָל גַּבֵּי שׁוֹר הַנִּסְקָל לָא נִיחָא לֵיהּ בִּנְפִיחֵיהּ.

The Gemara elaborates: **If you wish, propose logical reasoning: With regard to calves** used **for idol worship,** a calf's additional **girth** derived from the excrement stored in its body **is satisfactory for** the worshipper, as fatter animals are more impressive offerings. Since the excrement is part of the offering, it is also forbidden. **But with regard to an ox that is** to be **stoned, its** additional **girth is not satisfactory for** the owner, as he gains nothing from it.

אִיבָּעֵית אֵימָא קְרָא, כְּתִיב הָכָא: ״לֹא יִדְבַּק בְּיָדְךָ מְאוּמָה״, וּכְתִיב הָתָם: ״סָקוֹל יִסָּקֵל הַשּׁוֹר וְלֹא יֵאָכֵל אֶת בְּשָׂרוֹ״ – בְּשָׂרוֹ אָסוּר, הָא פִּרְשׁוֹ מוּתָּרֶת.

If you wish, cite a verse: It is written here, with regard to an animal used for idol worship: **"And there shall cleave naught** of the dedicated thing **to your hand"** (Deuteronomy 13:18), which indicates that the entire animal is forbidden. **And it is written there,** with regard to an ox to be stoned: **"The ox shall be stoned, and its flesh shall not be eaten"** (Exodus 21:28). This teaches that **its flesh is forbidden, but its excrement is permitted.**

אָמַר רָבָא: תַּרְוַיְיהוּ תְּנַנְהִי; מִדְּקָאָמַר לֵיהּ: מִפְּנֵי שֶׁמַּעֲמִידִין בְּקֵיבַת נְבֵילָה, וְקָא מַהֲדַר לֵיהּ: וְהָלֹא קֵיבַת עוֹלָה חֲמוּרָה מִקֵּיבַת נְבֵילָה

Rava said: We learned both of these *halakhot* from the mishna. He elaborates: **From** the fact **that** Rabbi Yehoshua **said to** Rabbi Yishmael that cheese of gentiles is prohibited **because they curdle** it **in the stomach** contents **of** an unslaughtered **animal carcass,** one can derive the *halakha* of the excrement of an ox that is to be stoned. The reason is that Rabbi Yishmael **responded to** Rabbi Yehoshua: **But isn't the stomach of a burnt**-offering subject to a more **stringent** *halakha* **than the stomach of** an unslaughtered **animal carcass,** and yet although one may not derive benefit from the stomach of a burnt-offering *ab initio*, if one did derive benefit from it he is not liable for misuse of property consecrated to the Temple?

NOTES

May your fortune be auspicious – תִּרְמִינָךְ שַׁעְתָּךְ: Some commentaries explain that Rabbi Shimon ben Lakish was conveying to Rabbi Shimon bar Elyakim that his question lacked substance and he hoped that his luck might be better in the future (Ra'avad). Others explain the comment in a more derisive manner: May your luck depart from you, as you posed an inappropriate question (*Tosefot Ḥakhmei Angliyya*). Yet others explain it figuratively: May your fortune carry you from here so that you will not ask such questions (Rabbeinu Ḥananel).

HALAKHA

One who betroths a woman by giving her the excrement, etc. – הַמְקַדֵּשׁ בְּפֶרֶשׁ וכו׳: A woman who is betrothed with the excrement of an animal used for idol worship is not legally betrothed, as it is prohibited to derive benefit from this excrement. A woman betrothed with the excrement of an ox that is to be stoned is legally betrothed. This is because only the ox itself is forbidden, whereas its excrement is not considered a part of its body. The *halakha* is in accordance with the opinion of Rav (Rambam *Sefer Nashim*, *Hilkhot Ishut* 5:2, and see *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:3).

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מִכְּלָל דְּאִיסּוּרֵי הֲנָאָה שָׁרוּ פִּרְשַׁיְיהוּ;

One can learn **by inference** from here **that** with regard to animals **from which** deriving **benefit is prohibited, their excrement,** which is the content of their stomach, **is permitted.** Although deriving benefit from both a burnt-offering and an unslaughtered animal carcass is prohibited, the excrement of each is permitted. Similarly, although deriving benefit from an ox that is to be stoned is prohibited, its excrement is permitted.

וּמִדְּקָאָמַר לֵיהּ: מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּקֵיבַת עֲגָלֵי עֲבוֹדָה זָרָה, וְקָא מַהֲדַר לֵיהּ: אִם כֵּן לָמָּה לֹא אֲסָרוּהָ בַּהֲנָאָה – מִכְּלָל דַּעֲבוֹדָה זָרָה אָסוּר פִּרְשַׁיְיהוּ.

And from the fact **that** Rabbi Yehoshua **said to** Rabbi Yishmael: Cheese of gentiles is prohibited **because they curdle it**[H] **with the stomach** contents **of calves** used for **idol worship, and** that Rabbi Yishmael **responded to him: If** that is **so, why didn't the** Sages **prohibit** deriving **benefit** from the cheese, one may learn **by inference that** with regard to animals of **idol worship, their excrement is prohibited.** Since the cheese formed with the stomach contents of an animal of idol worship is prohibited, it is evident that the excrement formed in the stomach of such an animal is also prohibited.

וְלַהֲדַר לֵיהּ: מִשּׁוּם דְּלֵיתֵיהּ לְאִיסּוּרָא בְּעֵינֵיהּ,

The mishna related that rather than addressing Rabbi Yishmael's final difficulty, Rabbi Yehoshua diverted his attention to another matter. The Gemara inquires: **But let him respond to** Rabbi Yishmael's query by explaining that the Sages did not prohibit deriving benefit from cheese curdled in the stomach contents of an animal used for idolatry **because there is no substantive prohibited** entity in such cheese.

דְּהָא מוֹרַיִיס לְרַבָּנַן דְּלָא אֲסָרוּהוּ בַּהֲנָאָה, מַאי טַעְמָא, לָאו מִשּׁוּם דְּלֵיתֵיהּ לְאִיסּוּרָא בְּעֵינֵיהּ?

The Gemara reinforces its question: After all, isn't the *halakha* with regard to **fish stew, according to** the opinion of **the Rabbis,** an application of this rationale, **as they did not prohibit** deriving **benefit** from fish stew prepared by a gentile? **What is the reason** for this leniency? **Is it not because there is no substantive prohibited** entity in it? Although fish stew may contain the wine of a gentile, deriving benefit from it is not prohibited because the wine is not discernible. Why didn't Rabbi Yehoshua explain that deriving benefit from cheese of a gentile is similarly permitted because it contains no substantive prohibited entity?

אָמְרִי: הָכָא, כֵּיוָן דְּאוֹקְמֵיהּ קָא מוֹקִים, חָשֵׁיב לֵיהּ כְּמַאן דְּאִיתֵיהּ לְאִיסּוּרֵיהּ בְּעֵינֵיהּ.

The Gemara rejects this possibility: The Sages **say** in response that **here,** with regard to cheese, **since** the rennet **curdles** it, **it is considered like** an item **that contains a substantive prohibited** entity. Although the prohibited rennet is not discernible in the cheese, it is nevertheless considered a substantive prohibited entity because it is essential to the formation of the cheese.

"הַשְׁמִיעוֹ לְדָבָר אַחֵר" וכו'. מַאי "כִּי טוֹבִים דּוֹדֶיךָ מָיִין"? כִּי אֲתָא רַב דִּימִי אֲמַר, אָמְרָה כְּנֶסֶת יִשְׂרָאֵל לִפְנֵי הַקָּדוֹשׁ בָּרוּךְ הוּא: רִבּוֹנוֹ שֶׁל עוֹלָם, עֲרֵיבִים עָלַי דִּבְרֵי דוֹדֶיךָ יוֹתֵר מִיֵּינָהּ שֶׁל תּוֹרָה.

§ The mishna teaches that Rabbi Yehoshua **diverted** Rabbi Yishmael's attention **to another matter,** and began discussing the verse: "For your love is better than wine" (Song of Songs 1:2). The Gemara asks: **What** is the meaning of the verse: **"For your love** [***dodekha***] **is better than wine"? When Rav Dimi came** from Eretz Yisrael to Babylonia, he **said: The congregation of Israel said before the Holy One, Blessed be He: Master of the Universe, the statements of Your beloved ones** [***dodekha***], i.e., the Sages, **are more pleasant to me than the wine of** the written **Torah** itself.

מַאי שָׁנְא הַאי קְרָא דְּשַׁיְילֵיהּ? אֲמַר רַבִּי שִׁמְעוֹן בֶּן פָּזִי, וְאִיתֵּימָא רַבִּי שִׁמְעוֹן בַּר אַמִּי, מֵרִישֵׁיהּ דִּקְרָא קָאָמַר לֵיהּ: "יִשָּׁקֵנִי מִנְּשִׁיקוֹת פִּיהוּ", אָמַר לֵיהּ: יִשְׁמָעֵאל אָחִי, חֲשׁוֹק שִׂפְתוֹתֶיךָ זוֹ בְּזוֹ וְאַל תְּבַהֵל לְהָשִׁיב.

The Gemara asks: **What is different** about **this verse that** led Rabbi Yehoshua to **ask** Rabbi Yishmael a question specifically with regard to it? **Rabbi Shimon ben Pazi said, and some say Rabbi Shimon bar Ami** said: He chose that verse because he sought to **tell him** a message that can be derived **from the beginning of the verse: "Let him kiss me with the kisses of his mouth"** (Song of Songs 1:2). In essence, Rabbi Yehoshua **said to him: Yishmael, my brother, press your lips one to the other, and do not be so hasty to retort,** i.e., do not persist in your questioning.

HALAKHA

Because they curdle it, etc. – מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ וכו': The cheeses of gentiles are prohibited because they are curdled in the skin of a stomach of an unslaughtered animal carcass, as stated by Shmuel. Furthermore, even when the cheese is not prepared in this manner it is still prohibited. The Rema writes that this is the accepted opinion, and one may not reject it in favor of a more lenient practice. The Rema adds that if a Jew supervises the curdling process, it is permitted. This is in accordance with the interpretation of Rabbeinu Tam that even according to the opinion of Rabbi Yehoshua ben Levi the prohibition is due to the concern that a snake deposited its venom in the whey. Since the concern of exposure no longer applies nowadays, the only remaining issue is the non-kosher milk, and the cheese is therefore permitted if its preparation is supervised (Gra). The *Shakh* rejects this ruling, although it is the accepted practice (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 3:13–14; *Shulḥan Arukh, Yoreh De'a* 115:2 and *Pitḥei Teshuva* there).

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מַאי טַעְמָא? אָמַר עוּלָּא, וְאִיתֵימָא רַב שְׁמוּאֵל בַּר אַבָּא: גְּזֵרָה חֲדָשָׁה הִיא, וְאֵין מְפַקְפְּקִין בָּהּ. מַאי גְּזֵירְתָא? אָמַר רַבִּי שִׁמְעוֹן בֶּן פָּזִי אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: מִשּׁוּם נִיקּוּר.

The Gemara asks: **What is the reason** that Rabbi Yehoshua instructed Rabbi Yishmael not to question him further? **Ulla says, and some say Rav Shmuel bar Abba** says: The ordinance prohibiting the cheese of gentiles **was a new decree,**[N] **and** therefore **one does not scrutinize**[N] **its** origins. The Gemara asks: **What** was, in fact, the reason for the Sages' **decree** prohibiting the cheese of gentiles? **Rabbi Shimon ben Pazi says** that **Rabbi Yehoshua ben Levi says:** It was **due to** the concern for **puncturing,** i.e., the concern that a snake might have deposited its venom in the cheese, as gentiles are not assumed to be careful about this.

וְלֵימָא לֵיהּ: מִשּׁוּם נִיקּוּר! כִּדְעוּלָּא, דַּאֲמַר עוּלָּא: כִּי גָּזְרוּ גְּזֵירָתָא בְּמַעֲרָבָא, לָא מְגַלוּ טַעְמָא עַד תְּרֵיסַר יַרְחֵי שַׁתָּא, דִּלְמָא אֵיכָּא אִינִישׁ דְּלָא סְבִירָא לֵיהּ וְאָתֵי לְזַלְזוּלֵי בָּהּ.

The Gemara comments: **But** if so, **let** Rabbi Yehoshua simply **say to** Rabbi Yishmael: It is prohibited **due to** the concern for **puncturing.** Why did he choose to avoid answering? The Gemara explains: Rabbi Yehoshua reasoned **in accordance with** a statement **of Ulla, as Ulla said: When** the Sages **decreed a decree in the West,** Eretz Yisrael, **they would not reveal the reason** behind it **until twelve months** of **the year** had passed, **lest there be a person who does not agree with it and will come to treat it with contempt.**

מְגַדֵּף בָּהּ רַבִּי יִרְמְיָה: אֶלָּא מֵעַתָּה, יְבֵשָׁה תִּשְׁתְּרֵי, יָשָׁן תִּשְׁתְּרֵי; דְּאָמַר רַבִּי חֲנִינָא: יָבֵשׁ מוּתָּר – אֵין מַנִּיחוֹ לְיַבֵּשׁ, יָשָׁן מוּתָּר – אֵין מַנִּיחוֹ לְיַשֵּׁן!

Rabbi Yirmeya would **ridicule** [*megaddef*][L] Rabbi Yehoshua ben Levi's explanation that the prohibition was due to the concern for puncturing: **If that is so, dry** cheese **should be permitted,** and likewise **aged** cheese should **be permitted, as Rabbi Ḥanina says:** With regard to exposure, **a dry** substance **is permitted** even if it was originally in the form of an uncovered liquid, because a snake's venom **does not let it dry,** i.e., congeal. And **an aged** liquid **is permitted,** as a snake's venom **does not let it age,**[B] as it causes it to spoil instead.

אָמַר רַבִּי חֲנִינָא: לְפִי שֶׁאִי אֶפְשָׁר לָהּ בְּלֹא צְחוֹתֵי חָלָב. וּשְׁמוּאֵל אָמַר: מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּעוֹר קֵיבַת נְבֵילָה.

The Gemara presents two alternative reasons for this decree of the Sages. **Rabbi Ḥanina says:** The cheese is prohibited **because it is not possible for it** to have been made **without** containing **particles of** non-kosher **milk.**[N] **And Shmuel says:** The cheese is prohibited **because it is curdled with the skin of the stomach of** an unslaughtered **animal carcass.**[N]

הָא קֵיבָה גּוּפָא שַׁרְיָא; וּמִי אָמַר שְׁמוּאֵל הָכִי? וְהָתְנַן: קֵיבַת הַגּוֹי וְשֶׁל נְבֵילָה – הֲרֵי זוֹ אֲסוּרָה;

The Gemara comments: Shmuel's statement indicates that only the skin of the animal's stomach is prohibited, whereas the contents of the **stomach,** i.e., the rennet **itself, is permitted.** The Gemara asks: **And did Shmuel** actually **say this? But didn't we learn** in a mishna (*Ḥullin* 116a): With regard to **the stomach** contents **of** an animal slaughtered by **a gentile and** the stomach contents **of** an unslaughtered **animal carcass,** each of these **is prohibited.**

וְהָוֵינַן בָּהּ, אַשּׁוּ דְּגוֹי לָאו נְבֵילָה הִיא?

And we discussed it and asked: Why does the mishna mention both an animal slaughtered by a gentile and an unslaughtered animal carcass? **Is that to say that** an animal slaughtered by **a gentile is not** classified as **an animal carcass?** By mentioning each of these separately, the mishna indicates that generally they are subject to different *halakhot*. This is difficult, as an animal slaughtered by a gentile has the halakhic status of an unslaughtered animal carcass.

וְאָמַר שְׁמוּאֵל, חָדָא קָתָנֵי: קֵיבַת שְׁחִיטַת גּוֹי – נְבֵלָה אֲסוּרָה!

And in answer to this difficulty, **Shmuel says:** The mishna **is** in fact **teaching a single** *halakha*, which is that **the stomach** contents **of** an animal **slaughtered by a gentile**[H] are considered to be like the stomach contents of an unslaughtered **animal carcass** and are therefore **prohibited.** Earlier, Shmuel asserted that only the physical skin of an animal's stomach is prohibited, which indicates that the stomach contents are permitted. In his explanation of the mishna in *Ḥullin*, Shmuel posits that the stomach contents of an unslaughtered animal are prohibited.

לָא קַשְׁיָא,

The Gemara explains that this is **not difficult:**

NOTES

New decree – גְּזֵרָה חֲדָשָׁה: This decree had been instituted shortly beforehand, and it was therefore inappropriate to analyze its details so meticulously. A different reasoning is provided in the Jerusalem Talmud: Rabbi Yishmael was still young at that point, and the Sages maintained that this matter should not be revealed in all its details to young students.

And one does not scrutinize – וְאֵין מְפַקְפְּקִין: That is, one should not meticulously examine the matter by analyzing the rationale behind it and investigating its origins (Rashi).

Because it is not possible for it to have been made without containing particles of non-kosher milk – לְפִי שֶׁאִי אֶפְשָׁר לָהּ בְּלֹא צְחוֹתֵי חָלָב: Although it is possible to prepare cheese solely from the milk of a kosher animal, there is a concern that droplets of milk from a non-kosher animal might be mixed with the whey found in between the crevices of the newly made kosher cheese (Rashi). Others maintain that the concern is that cheese was generally glazed with milk to make it smoother and more appetizing, and this milk could have come from a non-kosher animal (Ramban).

Some commentaries reject the notion that the Gemara is presenting a new rationale for the decree of the Sages, because the Gemara generally indicates the rejection of a previous suggestion with the word: Rather (Rabbeinu Tam). Rabbeinu Tam therefore contends that as this term does not appear here, Rabbi Ḥanina's statement is actually an answer to the previous question. Rabbi Yirmeya had asked why dry cheese is not permitted, as a snake's venom does not let cheese dry. Rabbi Ḥanina responds that even when the cheese appears dry, particles of venom remain in the particles of milk (see Jerusalem Talmud).

With the skin of the stomach of an unslaughtered animal carcass – בְּעוֹר קֵיבַת נְבֵילָה: The contents of the stomach of an animal, its rennet, are considered like excrement and are therefore permitted. The lining of the stomach remains prohibited, like any other organ in its body.

LANGUAGE

Ridicule [*megaddef*] – מְגַדֵּף: *Megaddef* can mean to curse or blaspheme. Apparently, it can also refer to the act of cleaning a bowl with wide, sweeping hand motions. This term eventually became associated with one who passionately questions a perspective, as though he uses an exaggerated sweeping motion to indicate his incredulity at the opposing opinion (*Ge'onim*). The Arabic root جدف, *jadafa*, conveys both meanings of the word.

BACKGROUND

Does not let it dry…does not let it age – אֵין מַנִּיחוֹ לְיַבֵּשׁ…אֵין מַנִּיחוֹ לְיַשֵּׁן: Snake venom contains certain enzymes that break down proteins, including the casein phosphoproteins found in milk. Therefore, the casein cannot coagulate once it has been exposed to snake venom, nor would it remain solidified if the venom were applied to it after it had congealed.

HALAKHA

The stomach contents of an animal slaughtered by a gentile – קֵיבַת שְׁחִיטַת גּוֹי: An animal slaughtered by a gentile has the halakhic status of an unslaughtered animal carcass (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 4:11; *Shulḥan Arukh*, *Yoreh De'a* 2:1).

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כָּאן קוֹדֶם חֲזָרָה, כָּאן לְאַחַר חֲזָרָה, וּמִשְׁנָה לֹא זָזָה מִמְּקוֹמָהּ.

Here, with regard to the mishna in *Ḥullin*, Shmuel's comment reflects the explanation of Rabbi Yehoshua **before** Rabbi Yehoshua's **retraction** of the assertion that it is prohibited to derive benefit from the stomach contents of an animal carcass. **There,** with regard to the mishna in *Avoda Zara*, Shmuel's statement is in accordance with the opinion of Rabbi Yehoshua **after** his **retraction** of that claim. **And** although this indicates that the mishna in *Ḥullin* presents an outdated ruling that was later rescinded, **a mishna does not move from its place.** In other words, once it has been taught in a certain manner, the *tanna* will not change the text of a mishna in order to reflect a change of opinion, so as to avoid confusion.

רַב מַלְכִּיָּא מִשְּׁמֵיהּ דְּרַב אַדָּא בַּר אַהֲבָה אָמַר: מִפְּנֵי שֶׁמַּחֲלִיקִין פָּנֶיהָ בְּשׁוּמָּן חֲזִיר. רַב חִסְדָּא אָמַר: מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּחוֹמֶץ. רַב נַחְמָן בַּר יִצְחָק אָמַר: מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּשֶׁרַף הָעָרְלָה.

The Gemara suggests additional reasons for the decree of the Sages. **Rav Malkiyya says in the name of Rav Adda bar Ahava:** The cheese is prohibited **because** gentiles **smooth its surface with pig fat. Rav Ḥisda says:** It is **because they curdle it with vinegar** produced from their wine, from which it is prohibited to derive benefit. **Rav Naḥman bar Yitzḥak says:** It is **because they curdle it with sap** that is subject to the prohibition against consuming **the fruit of a tree during the first three years after its planting** [***orla***].

בְּמַאן? כִּי הַאי תַּנָּא, דְּתַנְיָא רַבִּי אֱלִיעֶזֶר אוֹמֵר: הַמַּעֲמִיד בְּשֶׁרַף הָעָרְלָה – אָסוּר, מִפְּנֵי שֶׁהוּא פֵּירֵי?

Parenthetically, the Gemara asks: **In accordance with whose** opinion is Rav Naḥman's claim that the cheese of gentiles is prohibited because it is curdled in the sap of *orla*? The Gemara answers: It is **in accordance with the opinion of this *tanna*, as it is taught** in a mishna (*Orla* 1:7): **Rabbi Eliezer says:** With regard to **one who curdles** cheese **with the sap of *orla*,**[H] the cheese is **prohibited, because** the sap **is** considered to be **fruit** of the tree.

אֲפִילּוּ תֵּימָא רַבִּי יְהוֹשֻׁעַ; עַד כָּאן לָא פָּלֵיג רַבִּי יְהוֹשֻׁעַ עֲלֵיהּ דְּרַבִּי אֱלִיעֶזֶר – אֶלָּא בְּקִטְפָּא דְּגֻוָּא, אֲבָל בְּקִטְפָּא דְּפֵירָא מוֹדֵי.

The Gemara comments: **You** may **even say** that the statement is in accordance with the opinion of **Rabbi Yehoshua,** who disagrees with the opinion of Rabbi Eliezer, as **Rabbi Yehoshua disagrees with Rabbi Eliezer only with regard to the sap of a branch, but with regard to the sap of a fruit** Rabbi Yehoshua **concedes** that it is prohibited as *orla*. Rav Naḥman's statement can be understood as referring specifically to the sap of the fruit, which would mean that it is in accordance with the opinions of both Rabbi Eliezer and Rabbi Yehoshua.

וְהָיְינוּ דְּתָנַן, אָמַר רַבִּי יְהוֹשֻׁעַ: שָׁמַעְתִּי בְּפֵירוּשׁ, שֶׁהַמַּעֲמִיד בְּשֶׁרַף הֶעָלִין וּבְשֶׁרַף הָעִיקָּרִין – מוּתָּר, בְּשֶׁרַף הַפֶּגִין – אָסוּר, מִפְּנֵי שֶׁהוּא פֵּירֵי.

The Gemara adds: **And this is** in accordance with **that** which **we learned** in the continuation of that mishna: **Rabbi Yehoshua said: I heard explicitly that** with regard to **one who curdles** cheese **with the sap of the leaves and the sap of the roots** of an *orla* tree, the cheese **is permitted.** But if it is curdled **with the sap of unripe figs it is prohibited, because** that sap **is** considered to be **fruit.**

בֵּין לְרַב חִסְדָּא, בֵּין לְרַב נַחְמָן בַּר יִצְחָק, תִּתַּסַּר בַּהֲנָאָה! קְשִׁיָא.

The Gemara raises a difficulty against the last two suggested reasons for the decree of the Sages. **According to both Rav Ḥisda,** who holds that the cheese is prohibited because it is curdled with vinegar made from wine of gentiles, **and Rav Naḥman bar Yitzḥak,** who maintains that it is prohibited because it is curdled with the sap of *orla*, **one should be prohibited from** deriving **benefit** from the cheese, as one may not derive benefit from either the wine of gentiles or *orla*. The Gemara concludes: Indeed, this is **difficult.**

דָּרַשׁ רַב נַחְמָן בְּרֵיהּ דְּרַב חִסְדָּא, מַאי דִּכְתִיב: ״לְרֵיחַ שְׁמָנֶיךָ טוֹבִים״, לְמָה תַּלְמִיד חָכָם דּוֹמֶה? לְצָלוֹחִית שֶׁל פְּלָיְיטִין, מְגוּפָּה – רֵיחָהּ נוֹדֵף, מְכוּפָּה – אֵין רֵיחָהּ נוֹדֵף;

§ **Rav Naḥman, son of Rav Ḥisda, interpreted** a verse **homiletically: What** is the meaning of that **which is written: "Your ointments have a goodly fragrance"** (Song of Songs 1:3)? This is a metaphor for a Torah scholar: **To what is a Torah scholar comparable? To a flask of *pelaitin*:**[L] When it is **exposed, its scent diffuses;**[N] when it is **covered, its scent does not diffuse.**

HALAKHA

One who curdles cheese with the sap of *orla* – הַמַּעֲמִיד בְּשֶׁרַף הָעָרְלָה: It is prohibited to derive benefit from cheese curdled with the sap of *orla* fruits, with the stomach contents of an idolatrous offering, or with vinegar produced by the wine of gentiles. This is in accordance with Rabbi Yehoshua's statement in the mishna in tractate *Orla* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:26).

LANGUAGE

***Pelaitin* – פְּלָיְיטִין:** From the Latin foliatum, a perfume or ointment made from spikenard leaves and various other herbs.

Vials for holding oils, found in the Tomb of the Kings, Jerusalem

NOTES

When it is exposed, its scent diffuses – מְגוּפָּה רֵיחָהּ נוֹדֵף: Rashi explains that this exegesis is also based on the continuation of the verse: "Your name is as ointment poured forth" (Song of Songs 1:3), as a perfume's aroma spreads when it is poured out of its container. The primary purpose of this exegesis is to praise one who teaches Torah to others.

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וְלֹא עוֹד, אֶלָּא דְּבָרִים שֶׁמְּכוּסִּין מִמֶּנּוּ מִתְגַּלִּין לוֹ, שֶׁנֶּאֱמַר: "עֲלָמוֹת אֲהֵבוּךָ", קְרֵי בֵּיהּ "עֲלוּמוֹת"; וְלֹא עוֹד, אֶלָּא שֶׁמַּלְאַךְ הַמָּוֶת אוֹהֲבוֹ, שֶׁנֶּאֱמַר: "עֲלָמוֹת אֲהֵבוּךָ", קְרֵי בֵּיהּ "עַל מוֹת"; וְלֹא עוֹד, אֶלָּא שֶׁנּוֹחֵל שְׁנֵי עוֹלָמוֹת, אֶחָד הָעוֹלָם הַזֶּה וְאֶחָד הָעוֹלָם הַבָּא, שֶׁנֶּאֱמַר: "עֲלָמוֹת", קְרֵי בֵּיהּ "עוֹלָמוֹת".

The Gemara remarks: **And moreover,** when a Torah scholar spreads his knowledge, **matters that are** generally **hidden from him are revealed to him, as it is stated: "Maidens** [*alamot*] **love You"** (Song of Songs 1:3), and one may **read into** the verse: **The hidden** [*alumot*]**. And moreover, the Angel of Death loves him, as it is stated: "Maidens** [*alamot*] **love You,"** and one may **read into** the verse: The one appointed **over death** [*al mot*] loves you. **And moreover,** a Torah scholar **inherits two worlds: One** is **this world, and** the other **one** is **the World-to-Come, as it is stated: "Maidens** [*alamot*] love You," and one may **read into** the verse: **Worlds** [*olamot*]**.**

מתני׳ וְאֵלּוּ דְּבָרִים שֶׁל גּוֹיִם אֲסוּרִין וְאֵין אִיסּוּרָן אִיסּוּר הֲנָאָה: חָלָב שֶׁחָלָבוֹ גּוֹי וְאֵין יִשְׂרָאֵל רוֹאֵהוּ, וְהַפַּת וְהַשֶּׁמֶן שֶׁלָּהֶן. רַבִּי וּבֵית דִּינוֹ הִתִּירוּ הַשֶּׁמֶן.

MISHNA This mishna lists items belonging to gentiles which it is prohibited to consume, but from which it is permitted to derive benefit. **And these are items** that belong **to gentiles** and are **prohibited, but their prohibition is not** that of **an item from which** deriving **benefit is prohibited: Milk that was milked by a gentile**[H] **and a Jew did not see him** performing this action, **and their bread**[H] **and oil.** The mishna notes that **Rabbi** Yehuda HaNasi **and his court permitted the oil**[H] of gentiles entirely.

וְהַשְּׁלָקוֹת, וּכְבָשִׁין שֶׁדְּרָכָן לָתֵת לְתוֹכָן יַיִן וְחוֹמֶץ, וְטָרִית טְרוּפָה, וְצִיר שֶׁאֵין בָּהּ דָּגָה כִּלְבִית שׁוֹטֶטֶת בּוֹ, וְהַחִילָק, וְקוֹרֶט שֶׁל חִלְתִּית, וּמֶלַח שַׁלְקוֹנְדִית – הֲרֵי אֵלּוּ אֲסוּרִין וְאֵין אִיסּוּרָן אִיסּוּר הֲנָאָה.

The mishna resumes its list: **And boiled**[H] **and pickled** vegetables,[H] **whose** usual **manner** of preparation involves **adding wine and vinegar to them, and minced *tarit***[HNL] fish, **and brine that does not have a *kilbit* fish floating in it, and *ḥilak*,**[N] **and a sliver of *ḥiltit*,**[B] **and *salkondit* salt** (see 39b); all **these are prohibited, but their prohibition is not** that of **item from which** deriving **benefit is prohibited.**

גמ׳ חָלָב לְמַאי נִיחוּשׁ לָהּ? אִי מִשּׁוּם אִיחֲלוּפֵי – טָהוֹר חִיוֵּר, טָמֵא יָרוֹק; וְאִי מִשּׁוּם אִיעֲרוּבֵי – נִיקּוּם, דְּאָמַר מָר: חָלָב טָהוֹר עוֹמֵד, חָלָב טָמֵא אֵינוֹ עוֹמֵד!

GEMARA The Gemara asks: Concerning **milk, with regard to what** need **we be concerned?**[N] Why is the milk prohibited? **If** it is **due to** the concern that a gentile might **exchange** the milk of a kosher animal with the milk of a non-kosher animal, this concern is unfounded, as **kosher** milk is **white** whereas **non-kosher** milk has **a green** tinge to it, and therefore they are easily distinguishable. **And if** it is prohibited **due to** the concern that it might be **mixed** with non-kosher milk, let the Jew **curdle** the milk obtained from the gentile, **as the Master said: Milk** from **a kosher** animal **curdles,**[B] but milk from **a non-kosher** animal **does not curdle.**

HALAKHA

Milk that was milked by a gentile – חָלָב שֶׁחָלָבוֹ גּוֹי: One may not consume milk that was milked from an animal by a gentile without the supervision of a Jew, due to the concern that the gentile might have added non-kosher milk to it. In recent times, some authorities have permitted milk that was milked from an animal under the supervision of a reliable government. Many Jews have accepted this leniency, although numerous others do not rely upon it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:13; *Shulḥan Arukh*, *Yoreh De'a* 115:1).

And…bread – וְהַפַּת: The Sages prohibited the consumption of the bread of gentiles due to the concern that this might lead to intermarriage. The prohibition applies even when that concern is not relevant (Rashba). It applies only to bread prepared from the five grains; other kinds of bread are entirely permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:12; *Shulḥan Arukh*, *Yoreh De'a* 112:1).

Rabbi Yehuda HaNasi and his court permitted the oil – רַבִּי וּבֵית דִּינוֹ הִתִּירוּ הַשֶּׁמֶן: The oil of gentiles is permitted. It is not subject to the *halakhot* of gentiles' cooking nor to the concern that it might have been mixed with prohibited substances. Furthermore, the Jerusalem Talmud notes that one who acts stringently in this regard is considered to be disparaging the rulings of the Sages who permitted it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:22; *Shulḥan Arukh*, *Yoreh De'a* 114:7).

Boiled – שְׁלָקוֹת: The Sages prohibited the consumption of foods cooked by gentiles. The primary reason for this prohibition is to distance Jews from the possibility of intermarriage (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:13; *Shulḥan Arukh*, *Yoreh De'a* 113:1).

And pickled vegetables – וּכְבָשִׁין: Pickled foods to which wine is usually added are prohibited (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:24; *Shulḥan Arukh*, *Yoreh De'a* 114:10).

Minced *tarit*, etc. – טָרִית טְרוּפָה וכו': Minced *tarit* and other mixtures of small fish, such as *ḥilak*, may not be eaten, because non-kosher fish are often mingled with them (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:23; *Shulḥan Arukh*, *Yoreh De'a* 114:10).

NOTES

Minced *tarit* – טָרִית טְרוּפָה: *Tarit* was composed of a mixture of different types of fish sliced into small pieces and eaten together. Although it is easy to check whether or not whole fish are kosher, it is impossible to determine whether a mixed dish such as *tarit* contains non-kosher fish. The Sages therefore prohibited its consumption.

***Ḥilak* – חִילָק:** Rashi explains that this is a type of fish that is caught in large quantities when it is small and has not yet developed the fins and scales by which it can be identified as a kosher fish. Since it is caught together with non-kosher fish, the Sages prohibited its consumption due to the concern that those fish might be confused for *ḥilak* and eaten in violation of Torah law.

Concerning milk, with regard to what need we be concerned – חָלָב לְמַאי נִיחוּשׁ: The reason cited here is also mentioned in the Jerusalem Talmud, along with another rationale: Milk is subject to the concern for exposure, as gentiles did not ensure that their milk was covered at all times.

LANGUAGE

***Tarit* – טָרִית:** Some maintain that this is from the Greek τρίτων, *triton*, the god of the sea, which refers nowadays to a family of fish similar to the tuna. There is also a tradition among the commentaries that it refers to a species of tuna. Others suggest that the word originates from the Greek θρίσσα, *thrissa*, another type of fish. In any case, the context indicates that this refers to a fish that was commonly served in small pieces rather than whole.

BACKGROUND

***Ḥiltit* – חִלְתִּית:** This is Asafoetida, *Ferula assafoetida* L., a perennial herb from the Apiacaea family. It possesses thick roots and a stem from which several branches sprout, and it can grow up to a height of 2–3 m. Found primarily in Afghanistan, this plant grows slowly over several years until it produces fruit, after which it dies.

To this day, the sap found in its roots is used for its medicinal properties and made into powders, ointments, and pills. It can aid digestion and relieve intestinal discomfort, as well as improve the nervous system. In some areas, Asafoetida is also used as a seasoning, although consuming it in amounts larger than half a gram can be toxic.

Milk from a kosher animal curdles – חָלָב טָהוֹר עוֹמֵד: Due to the chemical makeup of the milk of non-kosher animals, it is much more difficult to curdle it into cheese than milk of kosher animals.

Asafoetida plant

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אִי דְּקָא בָּעֵי לְגִבְינָה – הָכִי נַמִּי; הָכָא בְּמַאי עָסְקִינַן – דְּקָא בָּעֵי לֵיהּ לְכַמְכָא.

The Gemara answers: **If one desires to** eat it as **cheese, indeed,** one can simply curdle it, as the milk of non-kosher animals does not curdle. **What are we dealing with here?** We are dealing with a case **where one desires to** use the milk in ***kamkha,*** also known as *kutaḥ,* a food item that contains milk.

וְנִשְׁקוֹל מִינֵּיהּ קָלֵי וְנִיקוֹם! כֵּיוָן דִּבְטָהוֹר נַמִּי אִיכָּא נִסְיוֹבֵי דְּלָא קַיְימִי, לֵיכָּא לְמֵיקַם עֲלָה דְּמִילְּתָא.

The Gemara raises a difficulty: **But** in that case, **let him take a bit of** milk **and curdle** it, to test whether or not it has been mixed with the milk of a non-kosher animal: If it curdles completely, it is kosher; if some milk is left over, it is not. The Gemara explains: **Since there is also whey**[B] **in kosher milk, which does not curdle, there is no** way **to establish** the halakhic **matter with regard to it.** Even kosher milk will not curdle completely, and therefore this is not a reliable method to determine the halakhic status of the milk.

וְאִיבָּעֵית אֵימָא: אֲפִילּוּ תֵּימָא דְּקָבָעֵי לָהּ לְגִבְינָה, אִיכָּא דְּקָאֵי בֵּינֵי אַטְפֵי.

The Gemara presents an alternative suggestion: **And if you wish, say** instead that **you** may **even say** that the concern applies **where he intends** to use the milk **to** make **cheese,** as **there is** milk **that remains between the crevices**[N] of curdled cheese, and therefore there is a concern that drops of non-kosher milk might be mixed with it.

"וְהַפַּת". אָמַר רַב כָּהֲנָא אָמַר רַבִּי יוֹחָנָן: פַּת לֹא הוּתְּרָה בְּבֵית דִּין. מִכְּלָל דְּאִיכָּא מַאן דְּשָׁרֵי?

§ The mishna teaches: **And bread** belonging to gentiles is prohibited for consumption. **Rav Kahana says** that **Rabbi Yoḥanan says:** Unlike oil, **bread was not permitted by a court.**[N] The Gemara asks: **From the fact** that Rabbi Yoḥanan states that bread was not permitted in court, can it be inferred **that there is** a different opinion **that** claims that a court **did permit** it?

אִין, דְּכִי אֲתָא רַב דִּימִי אָמַר: פַּעַם אַחַת יָצָא רַבִּי לַשָּׂדֶה וְהֵבִיא גּוֹי לְפָנָיו פַּת פּוּרְנֵי מֵאֲפֵה סְאָה, אָמַר רַבִּי: כַּמָּה נָאָה פַּת זוֹ, מָה רָאוּ חֲכָמִים לְאוֹסְרָהּ; מָה רָאוּ חֲכָמִים? מִשּׁוּם חֲתָנוּת!

The Gemara answers: **Yes, as when Rav Dimi came** from Eretz Yisrael to Babylonia, he **said: Once Rabbi** Yehuda HaNasi **went out to the field, and a gentile brought before him a *se'a* of bread baked in a large baker's oven** [*purnei*].[L] **Rabbi** Yehuda HaNasi **said: How exquisite is this** loaf of **bread! What did the Sages see** that caused them **to prohibit it?** The Gemara asks, incredulously: **What did the Sages see** that caused them to prohibit it? It was prohibited **due to** the concern that Jews might befriend gentiles while breaking bread with them, which could lead to **marriage** with gentiles.

אֶלָּא, מָה רָאוּ חֲכָמִים לְאוֹסְרָהּ בַּשָּׂדֶה. כִּסְבוּרִין הָעָם: הִתִּיר רַבִּי הַפַּת, וְלֹא הִיא, רַבִּי לֹא הִתִּיר אֶת הַפַּת.

The Gemara explains that Rabbi Yehuda HaNasi was not asking why bread was prohibited in general. **Rather,** he asked: **What did the Sages see** that caused them **to prohibit** bread even **in the field,** where this concern does not apply? The Gemara notes that upon hearing of this incident **the people thought** that **Rabbi** Yehuda HaNasi **permitted the bread** of gentiles. **But** that **is not so; Rabbi** Yehuda HaNasi **did not** actually **permit** such **bread.** This is why Rabbi Yoḥanan emphasized that the bread of gentiles was never permitted by Rabbi Yehuda HaNasi's court.

רַב יוֹסֵף וְאִיתֵּימָא רַב שְׁמוּאֵל בַּר יְהוּדָה אָמַר: לֹא כָּךְ הָיָה מַעֲשֶׂה, אֶלָּא אָמְרוּ: פַּעַם אַחַת הָלַךְ רַבִּי לְמָקוֹם אֶחָד וְרָאָה פַּת דָּחוּק לַתַּלְמִידִים, אָמַר רַבִּי: אֵין כָּאן פַּלְטֵר? כִּסְבוּרִין הָעָם לוֹמַר: פַּלְטֵר גּוֹי, וְהוּא לֹא אָמַר אֶלָּא פַּלְטֵר יִשְׂרָאֵל.

The Gemara records an alternate version of this episode. **Rav Yosef, and some say Rav Shmuel bar Yehuda, says:** The **incident did not occur** in **this** manner. **Rather, they said: Once Rabbi** Yehuda HaNasi **went to a certain place and saw** that **bread** was **scarce for the students** in the study hall. **Rabbi** Yehuda HaNasi **said: Is there no baker** [*palter*][L] **here** who can prepare bread? Upon hearing of this incident, **the people thought to say** that Rabbi Yehuda HaNasi was referring to **a gentile baker,**[H] which would indicate that bread baked by a professional baker is permitted, even if he is a gentile. **But** in reality, Rabbi Yehuda HaNasi **stated** his question **only** in reference to **a Jewish baker.**

BACKGROUND

Whey – נְסִיוֹבֵי: When milk is curdled, the casein phosphoproteins it contains bond together to form cheese, while the water and other substances inside remain in liquid form. This liquid is referred to as whey.

NOTES

Between the crevices – בֵּינֵי אַטְפֵי: Rashi explains that there are spaces and crevices in the curdled cheese in which whey accumulates, and therefore there is a concern that some milk of a non-kosher animal might be found there. Others explain that the Gemara is referring to droplets of milk that are found on the surface of the cheese (Rabbeinu Ḥananel).

Bread was not permitted by a court, etc. – פַּת לֹא הוּתְּרָה בְּבֵית דִּין וכו': The commentaries write that the prohibition against consuming the bread of gentiles was never revoked by a court, despite the fact that Jews grew accustomed to eating it. Nevertheless, the *amora'im* permitted it in practice because the nation demonstrated that it could not abide by such a difficult restriction (Ra'ah). Others add that the Gemara wants to emphasize that this permission was granted only due to the people's mistake, in order to accord the earlier court a measure of honor, as its ruling was not officially abrogated (Ritva).

LANGUAGE

Large baker's oven [*purnei*] – פּוּרְנֵי: From the Latin furnus, meaning oven. The Sages use this word in reference to a large oven used by bakers, which were similar to the ones found nowadays.

Baker [*palter*] – פַּלְטֵר: From the Greek πωλητήρ, *polētēr*, meaning merchant or salesman.

HALAKHA

Gentile baker – פַּלְטֵר גּוֹי: The commentaries write that although the prohibition against eating a gentile's bread was never officially rescinded, the practice in some places is lenient in this regard when there is no Jewish baker available and the bread is eaten outside the city (Rambam). This is in accordance with Rav Yosef's version of the incident, with the added qualifications of both Rabbi Yoḥanan and Rabbi Ḥelbo. The *Shulḥan Arukh* does not mention the requirement that the bread must be eaten in the field, following a different version of the Rambam's ruling (see Gra).

The Rema cites a ruling that even where a Jewish baker is available it is permitted to eat bread baked by a gentile baker. This is in accordance with the opinion of *Tosafot* and the Mordekhai that in places where the prohibition was not observed the bread is completely permitted, provided that it is prepared by a professional baker rather than in a private residence. Nevertheless, it is appropriate to avoid bread of gentiles unless it is of a higher quality (*Shakh*). Additionally, those who are lenient throughout the year should refrain from consuming gentiles' bread during the Ten Days of Repentance.

In any case, no authority permits bread baked in a gentile's home. The Rema writes that bread is considered to have been baked in a home only if it was prepared for the members of the household; bread baked in a gentile's residence for business purposes is classified as bakers' bread. Conversely, bread baked by a professional baker is not permitted if it was prepared for the members of his household.

Finally, if no baker can be found at all, even bread baked by a gentile in his home is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:12; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 603:1 and *Yoreh De'a* 112:2, 8, and in the comment of Rema).

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אָמַר רַבִּי חֶלְבּוֹ: אֲפִילּוּ לְמַאן דְּאָמַר פַּלְטֵר גּוֹי – לָא אֲמָרָן אֶלָּא דְּלֵיכָּא פַּלְטֵר יִשְׂרָאֵל, אֲבָל בְּמָקוֹם דְּאִיכָּא פַּלְטֵר יִשְׂרָאֵל לָא. וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ לְמַאן דְּאָמַר פַּלְטֵר גּוֹי – הָנֵי מִילֵּי בַּשָּׂדֶה, אֲבָל בָּעִיר לָא, מִשּׁוּם חֲתָנוּת.

The Gemara cites two qualifications of the leniency that people inferred from the above incident. **Rabbi Ḥelbo said: Even according to the one who** thought to **say** that Rabbi Yehuda HaNasi was referring to **a gentile baker, we said** that the bread is permitted **only where there is no Jewish baker, but in a place where there is a Jewish baker,** the leniency would certainly **not** apply. **And Rabbi Yoḥanan said: Even according to the one who** thought to **say**[N] that Rabbi Yehuda HaNasi was referring to **a gentile baker, that statement** applies only **in the field, but in the city** it would **not** apply, and the bread would still be prohibited **due to** the possibility of **marriage** with a gentile.

אֵיבּוּ הֲווֹ מְנַבְּית וְאָכֵיל פַּת אַבֵּי מִצְרֵי, אֲמַר לְהוּ רָבָא, וְאִיתֵימָא רַב נַחְמָן בַּר יִצְחָק: לָא תִּשְׁתַּעוּ בְּהַדֵּיהּ דְּאַיְבּוּ, דְּקָאָכֵיל לַחְמָא דַּאֲרַמָּאֵי.

The Gemara relates: **Aivu would bite and eat bread** of gentiles **at the boundaries**[N] of the fields. **Rava said to** the students in the study hall, **and some say** that it was **Rav Naḥman bar Yitzḥak** who said to them: **Do not speak with Aivu,**[N] **as he eats bread of Arameans** in deliberate violation of a rabbinic decree.

״וְהַשֶּׁמֶן שֶׁלָּהֶן״. שֶׁמֶן – רַב אָמַר: דָּנִיֵּאל גָּזַר עָלָיו, וּשְׁמוּאֵל אָמַר:

§ The mishna teaches: **And their oil** was originally prohibited but later permitted by Rabbi Yehuda HaNasi and his court. The Gemara cites a dispute with regard to the origin of the prohibition of **oil. Rav says: Daniel decreed** that oil is prohibited, **and Shmuel says:**

זְלִיפָתָן שֶׁל כֵּלִים טְמֵאִים אוֹסַרְתָּן. אַטּוּ כּוּלֵּי עָלְמָא אוֹכְלֵי טְהָרוֹת נִינְהוּ? אֶלָּא, זְלִיפָתָן שֶׁל כֵּלִים אֲסוּרִין אוֹסַרְתָּן.

The **secretion**[N] **of ritually impure vessels prohibits** the oil that gentiles pour into them. The Gemara asks: **Is that to say that all** people **are consumers of** only ritually **pure** substances? Since it is common practice to eat ritually impure foods, why should the secretion of impure vessels render the oil prohibited? The Gemara emends Shmuel's statement: **Rather, the secretion of prohibited vessels prohibits** the oil, as it absorbs the prohibited substances.

אָמַר לֵיהּ שְׁמוּאֵל לְרַב: בְּשִׁלָּמָא לְדִידִי דְּאָמִינָא זְלִיפָתָן שֶׁל כֵּלִים אֲסוּרִין אוֹסַרְתָּן, הַיְינוּ דְּכִי אֲתָא רַב יִצְחָק בַּר שְׁמוּאֵל בַּר מָרְתָא וַאֲמַר, דַּרִישׁ רַבִּי שִׁמְלַאי בִּנְצִיבִין: שֶׁמֶן רַבִּי יְהוּדָה וּבֵית דִּינוֹ נִמְנוּ עָלָיו וְהִתִּירוּהוּ.

Shmuel said to Rav: Granted, according **to my** opinion, **as I say** that **the secretion of prohibited vessels prohibits** the oil, **this is** how one can understand **that when Rav Yitzḥak bar Shmuel bar Marta came, he said** that **Rabbi Simlai**[P] **taught in Netzivin:** With regard to **oil, Rabbi Yehuda** HaNasi **and his court were counted,** i.e., voted, **on this** matter **and permitted it.**

NOTES

Even according to the one who thought to say, etc. – אֲפִילּוּ לְמַאן דְּאָמַר וכו׳: Some commentaries apparently maintain that Rabbi Yoḥanan is qualifying the leniency further by adding to Rabbi Ḥelbo's qualification, i.e., a gentile baker's bread is permitted only when no Jewish bakers are available and even then only in the field (Rambam). Other early commentaries claim that each of these Sages is offering his own separate interpretation of the leniency: According to Rabbi Ḥelbo, it applies whenever no Jewish bakers are available, even in the city; according to Rabbi Yoḥanan it applies only in the field, even if there are Jewish bakers available (Ramban, citing Rif; Rashba; Ritva).

At the boundaries – אַבֵּי מִצְרֵי: Rashi states that Aivu would eat the bread of gentiles outside the city, in the field. The commentaries explain that his actions were inappropriate because this bread is permitted only in areas that are distant from the city, whereas he would eat at the boundaries of fields that were in its vicinity (Rid). Others maintain that he would eat bread baked in the homes of individual gentiles, rather than the bread of a professional gentile baker (Rashba in *Torat HaBayit*; Ritva).

Alternatively, some commentaries explain that Aivu did not violate any actual prohibition, as the Sages would have officially ostracized him had he done so (Ra'ah). Rather, he relied too heavily upon the leniency, as he ate gentiles' bread when he could have obtained bread of Jews, and this neglectful behavior was inappropriate for a scholar of his stature.

Do not speak with Aivu – לָא תִּשְׁתַּעוּ בְּהַדֵּיהּ דְּאַיְבּוּ: The *ge'onim* write that as punishment for Aivu, the students were instructed not to quote *halakhot* in his name. The commentaries explain that although the Jewish community had effectively abrogated the prohibition against eating bread of gentiles, the Sages continued to observe this decree because it was never officially rescinded by the court (Ramban). Since Aivu did not act in a manner expected of Sages, Rava ordered that he should not be treated as a Sage whose statements are quoted in the study hall.

NOTES

Secretion [*zelifatan*] – זְלִיפָתָן: Rashi explains that *zelifatan* refers to the substances that vessels expel into the oil they contain. *Tosafot* maintain that this interpretation is difficult from a linguistic perspective, and therefore they explain that *zelifatan* retains its usual meaning of a substance that is poured. Accordingly, the Gemara is referring to the act of pouring oil into prohibited vessels, which renders the oil prohibited due to the prohibited substances contained in the vessels (see Rabbeinu Shimshon of Saens, *Tosefot Ḥakhmei Angliyya*, and Maharam of Lublin).

PERSONALITIES

Rabbi Simlai – רַבִּי שִׁמְלַאי: Rabbi Simlai was from the first and second generations of *amora'im* in Eretz Yisrael. His father, Rabbi Abba, was a Torah scholar and an expert in the science of intercalation, a difficult process of astronomical computations that serves as the basis of the Jewish calendar. Rabbi Simlai was a student and attendant of Rabbi Yannai and Rabbi Yehuda Nesia, the grandson of Rabbi Yehuda HaNasi.

Rabbi Simlai was originally from the city of Lod, whose inhabitants had a reputation for somewhat unscrupulous behavior, which is why Rav referred to him pejoratively as Simlai of Lod. As mentioned here, Rabbi Simlai traveled from Eretz Yisrael to the Babylonian city of Netzivin, and he also issued halakhic rulings in Antioch.

Although a few halakhic statements of Rabbi Simlai are quoted in the Talmud, particularly the Jerusalem Talmud, he is most famous for his many aggadic expositions. He also engaged in disputations with heretics.

Rabbi Simlai's son-in-law, Rabbi Tanḥum, was a second-generation *amora* of Eretz Yisrael.

Perek **II**
Daf **36** Amud **a**

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קָסָבַר: נוֹתֵן טַעַם לִפְגָם מוּתָּר;

Shmuel elaborates: It can be explained that Rabbi Yehuda HaNasi **holds:** A prohibited substance that **imparts flavor to** the **detriment** of the mixture[H] is **permitted.** According to Shmuel's explanation, the prohibition was revoked because the taste absorbed by the oil would have impaired its flavor rather than enhanced it.

אֶלָּא לְדִידָךְ דְּאָמְרַתְּ דָּנִיֵּאל גָּזַר עָלָיו, דָּנִיֵּאל גָּזַר וַאֲתָא רַבִּי יְהוּדָה הַנָּשִׂיא וּמְבַטֵּל לֵיהּ? וְהָתְנַן: אֵין בֵּית דִּין יָכוֹל לְבַטֵּל דִּבְרֵי בֵית דִּין חֲבֵירוֹ, אֶלָּא אִם כֵּן גָּדוֹל הֵימֶנּוּ בְּחָכְמָה וּבְמִנְיָן!

But according to you, Rav, **who said** that **Daniel decreed** a prohibition **upon** the oil of gentiles, how can this be understood? Can it be said that **Daniel decreed** it, **and Rabbi Yehuda HaNasi came and voided** the decree? **But didn't we learn** in a mishna (*Eduyyot* 1:5): **A court cannot void**[H] **the statements of another court, unless it is greater than it in wisdom and in number?** According to Rav, how could Rabbi Yehuda HaNasi void a decree issued by Daniel?

אָמַר לֵיהּ: שִׁמְלַאי לוּדָאָה קָא אָמַרְתְּ? שָׁאנֵי לוּדָאֵי דִּמְזַלְזְלוּ. אָמַר לֵיהּ: אֶשְׁלַח לֵיהּ? אִיכְּסִיף.

Rather than answering Shmuel's question directly, Rav first rejects his proof: Rav **said to him:** Was it Rabbi **Simlai of Lod** of whom **you spoke? Residents of Lod are different, as they disparage** the Sages' decrees,[N] and therefore Rabbi Simlai's testimony is unreliable. Shmuel **said to him: Shall I send for him?**[N] As a result, Rav **became embarrassed.**

אָמַר רַב: אִם הֵם לֹא דָּרְשׁוּ, אֲנַן לָא דָּרְשִׁינַן? וְהָכְתִיב: ״וַיָּשֶׂם דָּנִיֵּאל עַל לִבּוֹ אֲשֶׁר לֹא יִתְגָּאַל בְּפַת בַּג הַמֶּלֶךְ וּבְיֵין מִשְׁתָּיו״ – בְּשִׁתֵּי מִשְׁתָּאוֹת הַכָּתוּב מְדַבֵּר, אֶחָד מִשְׁתֵּה יַיִן וְאֶחָד מִשְׁתֵּה שֶׁמֶן.

Rav claimed that Rabbi Yehuda HaNasi and his court erred in permitting the oil of gentiles, which Daniel had prohibited. **Rav said: If they,** Rabbi Yehuda HaNasi and his court, **did not expound** the following verse, **will we not expound it?** We must certainly do so. **Isn't it written: "But Daniel purposed in his heart that he would not defile himself with the king's food,**[N] **nor with the wine which he drank** [*mishtav*]" (Daniel 1:8)? The word *mishtav* is in the plural, indicating that **the verse speaks of two** types of **drinking: One is the drinking of wine, and one is the drinking of oil.** Accordingly, Daniel himself refrained from consuming oil of gentiles, as he instituted this prohibition. Why does Shmuel reject this inference, which indicates that Daniel issued this decree?

רַב סָבַר: עַל לִבּוֹ שָׂם, וּלְכָל יִשְׂרָאֵל הוֹרָה. וּשְׁמוּאֵל סָבַר: עַל לִבּוֹ שָׂם, וּלְכָל יִשְׂרָאֵל לֹא הוֹרָה.

The Gemara explains that **Rav maintained:** Daniel **placed** the prohibition against consuming the oil of gentiles **upon his heart,** i.e., for himself, **and he instructed all Jews** to adhere to it as well. **And Shmuel held:** Daniel **placed** the prohibition **upon his heart, but he did not instruct all Jews** to accept it.

וְשֶׁמֶן דָּנִיֵּאל גָּזַר? וְהָאָמַר בָּאלֵי, אֲבִימִי נוֹתָאָה מִשְׁמֵיהּ דְּרַב: פִּיתָּן וְשַׁמְנָן, יֵינָן וּבְנוֹתֵיהֶן, כּוּלָּן מִשְׁמֹנָה עָשָׂר דָּבָר הֵן!

The Gemara asks: **And** is it correct that **Daniel decreed** that **oil** is prohibited? **But doesn't Balei say** that **Avimi of Nota** [*Nota'a*][L] says **in the name of Rav:** The prohibitions of gentiles' **bread and their oil, their wine and their daughters, are all from the eighteen matters** decreed in a single day in the days of the students of Shammai and Hillel. Apparently, Rav himself maintains that the prohibition was not instituted by Daniel.

HALAKHA

A prohibited substance that imparts flavor to the detriment of the mixture – נוֹתֵן טַעַם לִפְגָם: A prohibited substance that imparts taste to a permitted substance renders that permitted substance prohibited. This applies only if the prohibited entity enhances the flavor; if it impairs the taste of the permitted food, that food remains permitted despite the fact that it now bears the taste of a prohibited food. Therefore, meat cooked with the oil of gentiles is permitted, because the flavor of the meat is impaired in the process (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:28; *Shulḥan Arukh*, *Yoreh De'a* 103:1).

A court cannot void, etc. – אֵין בֵּית דִּין יָכוֹל לְבַטֵּל וכו': A court cannot void any decrees, ordinances, or conventions established by an earlier court unless it is greater than it in wisdom and in number. This is the *halakha* even if the rationale for the first court's ruling is no longer applicable, as stated in the mishna in tractate *Eduyyot*.

If a decree issued in order to protect Torah Law was accepted by the majority of Jews, it cannot be voided even by the authority of a greater court. According to the Rambam, all such ordinances are equivalent in importance to the eighteen decrees issued by the students of Shammai. The Ra'avad contends that this *halakha* applies to any ordinance that was accepted by the majority of Jews, even if it is not similar to the eighteen decrees (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 2:2).

LANGUAGE

Of Nota [*Nota'a*] – נוֹתָאָה: This is one of the variations of the word Nabatean, which also appears in other sources as Nefatean and Nevatean. It refers to one who is from Nabatea, a region in the southern part of Eretz Yisrael that was inhabited by Arab tribes.

NOTES

Residents of Lod are different as they disparage the Sages' decrees – שָׁאנֵי לוּדָאֵי דִּמְזַלְזְלוּ: This sentiment was generally shared by the Sages, as other sources demonstrate their disdain for the residents of Lod. With regard to Rabbi Simlai himself, see *Pesaḥim* 62b. In any case, Rav did not rely upon Rabbi Simlai's statements (see Ya'avetz).

Shall I send for him – אֶשְׁלַח לֵיהּ: Some maintain that Shmuel was reprimanding Rav by asking if he should convey his harsh sentiments directly to Rabbi Simlai himself (*Tosefot Ḥakhmei Angliyya*). Others explain that Shmuel was asking derisively if he should send to ask Rabbi Yehuda HaNasi, who lived in an earlier generation, whether or not he had permitted the oil of gentiles (Rabbeinu Ḥananel).

The king's food [*pat bag*] – פַּת בַּג הַמֶּלֶךְ: Although the term *pat* literally means bread, the commentaries explain that this term refers to portions of food from the king (Rashbam). Consequently, it is not possible to derive the prohibition against consuming gentiles' bread from here, although the early commentaries suggest that Daniel's statement can be read as an allusion to this decree.

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וְכִי תֵּימָא: אֲתָא דָּנִיֵּאל גְּזַר וְלָא קִיבֵּל, וַאֲתוּ תַּלְמִידֵי דְּהִלֵּל וְשַׁמַּאי וּגְזוּר וְקִיבֵּל, אִם כֵּן מַאי אַסָּהֲדוּתֵיהּ דְּרַב? אֶלָּא, דָּנִיֵּאל גְּזַר עָלָיו בָּעִיר, וַאֲתוּ אִינְהוּ וּגְזוּר אֲפִילּוּ בַּשָּׂדֶה.

The Gemara adds: **And if you would say** that **Daniel came** and **decreed but** the people **did not accept** it, **and** later **the students of Hillel and Shammai came and decreed** with regard to gentiles' oil **and** the people **accepted** it, **if** that is **so, what is** the significance of **Rav's testimony** that Daniel initially instituted the prohibition? The Gemara explains: **Rather, Daniel decreed upon** the oil of gentiles **in the city,**[N] **and** the students of Shammai and Hillel **came and decreed** that it is prohibited **even in the field.**

וְרַבִּי יְהוּדָה הַנָּשִׂיא הֵיכִי עָבֵד לְמִישְׁרָא תַּקַּנְתָּא דְּתַלְמִידֵי שַׁמַּאי וְהִלֵּל? וְהָתְנַן: אֵין בֵּית דִּין יָכוֹל לְבַטֵּל דִּבְרֵי בֵית דִּין חֲבֵירוֹ אֶלָּא אִם כֵּן גָּדוֹל הֵימֶנּוּ בְּחָכְמָה וּבְמִנְיָן! וְעוֹד, הָא אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: בַּכֹּל יָכוֹל לְבַטֵּל בֵּית דִּין דִּבְרֵי בֵית דִּין חֲבֵירוֹ, חוּץ מִשְּׁמוֹנָה עָשָׂר דָּבָר, שֶׁאֲפִילּוּ בָּא אֵלִיָּהוּ וּבֵית דִּינוֹ אֵין שׁוֹמְעִין לוֹ!

The Gemara asks: **And how could Rabbi Yehuda HaNasi permit an ordinance** issued **by the students of Shammai and Hillel? But didn't we learn** in a mishna that **a court cannot void the statements of another court, unless it is greater than it in wisdom and in number? And furthermore, doesn't Rabba bar bar Ḥana say** that **Rabbi Yoḥanan says: With regard to all** issues, **a court can void the statements of another court, except the eighteen matters** decreed by the students of Beit Shammai, **as, even** if **Elijah and his court** were to **come** and rescind them, **one** would **not listen to him.**

אָמַר רַב מְשַׁרְשִׁיָא: מַה טַּעַם? הוֹאִיל וּפָשַׁט אִיסּוּרוֹ בְּרוֹב יִשְׂרָאֵל, שֶׁמָּן לֹא פָּשַׁט אִיסּוּרוֹ בְּרוֹב יִשְׂרָאֵל, דְּאָמַר רַבִּי שְׁמוּאֵל בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: יָשְׁבוּ רַבּוֹתֵינוּ וּבָדְקוּ עַל שֶׁמֶן שֶׁלֹּא פָּשַׁט אִיסּוּרוֹ בְּרוֹב יִשְׂרָאֵל, וְסָמְכוּ רַבּוֹתֵינוּ עַל דִּבְרֵי רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל וְעַל דִּבְרֵי רַבִּי אֶלְעָזָר בַּר צָדוֹק, שֶׁהָיוּ אוֹמְרִים: אֵין גּוֹזְרִין גְּזֵירָה עַל הַצִּבּוּר אֶלָּא אִם כֵּן רוֹב צִבּוּר יְכוֹלִין לַעֲמוֹד בָּהּ; דְּאָמַר רַב אַדָּא בַּר אַהֲבָה, מַאי קְרָא?

Rav Mesharshiyya said: What is the reason[N] that none of the eighteen decrees can be voided? **Since** the **prohibition spread among the majority of the Jewish people,** it cannot be voided. But with regard to **oil, its prohibition did not spread**[H] **among the majority of the Jewish people,** and therefore it can be voided. **As Rabbi Shmuel bar Abba says** that **Rabbi Yoḥanan says: Our Sages sat and inspected**[N] the matter of gentiles' **oil** and determined **that its prohibition had not spread among the majority of the Jewish people, and our Sages relied upon the statement of Rabban Shimon ben Gamliel and upon the statement of Rabbi Elazar bar Tzadok, who would say:** The Sages **issue a decree upon the community only**[H] **if most of the community is able to abide by it. As Rav Adda bar Ahava said: What is the verse** from which it is derived?

NOTES

Daniel decreed upon the oil of gentiles in the city – דָּנִיֵּאל גְּזַר עָלָיו בָּעִיר: This prohibition was instituted due to the concern of intermarriage, which is why it was applied only in the city, where gentiles and Jews were likely to mingle (Rashi).

Rav Mesharshiyya said, what is the reason – אָמַר רַב מְשַׁרְשִׁיָא מַה טַּעַם: *Tosafot* explain that Rav Mesharshiyya's comment addresses the question of how Rabbi Yehuda's court could repeal one of the eighteen ordinances decreed by Beit Hillel and Beit Shammai, as these decrees have a special halakhic status (see Jerusalem Talmud). According to this interpretation, it is only with regard to these eighteen matters that a lesser court cannot void a greater court's decree; other decrees may be voided, even if they have been broadly adopted by the Jewish people. Rav Mesharshiyya is saying that although the decree against consuming a gentile's oil was one of the eighteen matters, it does not possess a unique status because it was not universally practiced.

Others claim that all rabbinic decrees that were instituted to establish a safeguard for the Torah and which have been universally adopted cannot be voided. Accordingly, Rav Mesharshiyya is merely explaining that the decree with regard to gentiles' oil could be voided because it was not universally accepted, regardless of the fact that it was one of the eighteen matters (see Rambam, *Sefer Shofetim*, *Hilkhot Mamrim* 2:2).

Our Sages sat and inspected – יָשְׁבוּ רַבּוֹתֵינוּ וּבָדְקוּ: The Sages determined that the prohibition had never spread throughout the Jewish people and therefore was not considered authoritative (see Rambam and Rashi).

HALAKHA

With regard to oil, its prohibition did not spread, etc. – שֶׁמֶן לֹא פָּשַׁט אִיסּוּרוֹ וכו': If an ordinance was established by a court and was thought to have been accepted by the majority of Jews when it was not in fact broadly accepted, a later court has the authority to abrogate it officially. This is the *halakha* even if the first court was greater in wisdom and in number than the later court (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 2:7).

The Sages issue a decree upon the community only, etc. – אֵין גּוֹזְרִין גְּזֵירָה עַל הַצִּבּוּר אֶלָּא וכו': A court that decides to institute an ordinance or establish a convention must first determine that the majority of the Jewish people can abide by the ramifications of the decree. If a court was mistaken in its assessment and it is clear that the decree was never accepted by most Jews, the ordinance is annulled, as a court cannot force the nation to adhere to its decrees (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 2:5–6, and *Kesef Mishne* and *Leḥem Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 228:50, and in the comment of Rema; 334:15, and in the comment of Rema).

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״בִּמְאֵרָה אַתֶּם נֵאָרִים וְאוֹתִי אַתֶּם קֹבְעִים הַגּוֹי כֻּלּוֹ״, אִי אִיכָּא גּוֹי כּוּלּוֹ – אִין, אִי לָא – לָא.

It is the verse: **“You are cursed with the curse,**[N] **yet you rob Me, even this whole nation”** (Malachi 3:9). This teaches that **if there is** the acceptance of **the whole nation, yes,** an ordinance may be instituted, but **if not, no,** the ordinance may not be instituted.

גּוּפָא, אָמַר בָּאלֵי אָמַר אֲבִימִי נוֹתָאָה מִשְּׁמֵיהּ דְּרַב: פִּיתָּן וְשַׁמְנָן, יֵינָן וּבְנוֹתֵיהֶן – כּוּלָּן מִשְּׁמוֹנָה עָשָׂר דָּבָר הֵן. בְּנוֹתֵיהֶן מַאי הִיא? אָמַר רַב נַחְמָן בַּר יִצְחָק: גְּזָרוּ עַל בְּנוֹתֵיהֶן נִידּוֹת מֵעֲרִיסוֹתָן.

§ The Gemara discusses **the** matter **itself: Balei says** that **Avimi of Nota says in the name of Rav:** The prohibitions with regard to gentiles’ **bread and their oil, their wine and their daughters, are all from the eighteen matters** issued in a single day in the time of the students of Shammai and Hillel. The Gemara asks: With regard to **their daughters, what is** the decree? **Rabbi Naḥman bar Yitzḥak says: They decreed upon their daughters** that they should be classified as **menstruating women from** the time they are in **their cradle,** i.e., they decreed that from when they are young, gentile women are always considered to be menstruating.

וּגְנֵיבָא מִשְּׁמֵיהּ דְּרַב אָמַר: כּוּלָּן מִשּׁוּם עֲבוֹדָה זָרָה גְּזָרוּ בָּהֶן; דְּכִי אֲתָא רַב אַחָא בַּר אַדָּא אָמַר רַבִּי יִצְחָק: גְּזָרוּ עַל פִּיתָּן מִשּׁוּם שַׁמְנָן; מַאי אוּלְמֵיהּ דְּשֶׁמֶן מִפַּת?

The Gemara presents another opinion. **And Geneiva says in the name of Rav:** Gentiles’ bread, oil, wine, and daughters were **all decreed upon due to** the concern that Jews might participate in **idol worship** with gentiles as a result of intermingling with them. **As, when Rav Aḥa bar Adda came** from Eretz Yisrael to Babylonia he said that **Rabbi Yitzḥak says: They decreed** a prohibition **upon their bread due to their oil.** The Gemara asks: In **what** way **is the** prohibition with regard to **oil stronger than** the prohibition with regard to **bread?** That is, why does the primary concern relate to the oil of gentiles rather than their bread?

אֶלָּא, עַל פִּיתָּן וְשַׁמְנָן מִשּׁוּם יֵינָן, וְעַל יֵינָן מִשּׁוּם בְּנוֹתֵיהֶן, וְעַל בְּנוֹתֵיהֶן מִשּׁוּם דָּבָר אַחֵר, וְעַל דָּבָר אַחֵר מִשּׁוּם דָּבָר אַחֵר.

The Gemara offers a different interpretation: **Rather,** they issued a decree prohibiting **their bread and their oil due to their wine. And** they issued the decree prohibiting **their wine due to** the fact that this leads to familiarity, and Jews will come to marry **their daughters.**[N] **And** they issued a decree prohibiting **their daughters due to something else,** idolatry. **And** they further issued a decree **on something else due to something else,** which will be explained by the Gemara.

בְּנוֹתֵיהֶן דְּאוֹרַיְיתָא הִיא, דִּכְתִיב: ״לֹא תִתְחַתֵּן בָּם״! דְּאוֹרַיְיתָא – שִׁבְעָה גּוֹיִם, אֲבָל שְׁאָר אוּמּוֹת לָא, וַאֲתוּ אִינְהוּ וּגְזוּר אֲפִילּוּ דְּשְׁאָר אוּמּוֹת.

It was stated that the prohibition against marrying the daughters of gentiles was decreed on account of idolatry. The Gemara raises an objection: But the prohibition against marrying **their daughters is** prescribed **by Torah law, as it is written: “Neither shall you make marriages with them”** (Deuteronomy 7:3). The Gemara explains: **By Torah law** intermarriage is prohibited only with the **seven** Canaanite **nations,**[N] **but** intermarriage with **the other nations** of the world is **not** prohibited, **and** the students of Shammai and Hillel **came and decreed** that intermarriage is prohibited **even** with **the other nations.**

וּלְרַבִּי שִׁמְעוֹן בֶּן יוֹחַאי דְּאָמַר: ״כִּי יָסִיר אֶת בִּנְךָ מֵאַחֲרַי״ – לְרַבּוֹת כָּל הַמְּסִירוֹת, מַאי אִיכָּא לְמֵימַר? אֶלָּא דְּאוֹרַיְיתָא אִישׁוּת דֶּרֶךְ חֲתָנוּת, וַאֲתוּ אִינְהוּ וּגְזוּר אֲפִילּוּ דֶּרֶךְ זְנוּת.

The Gemara asks: **And according to** the opinion of **Rabbi Shimon bar Yoḥai, who says** that the subsequent verse: **“For he will turn away your son from following Me”** (Deuteronomy 7:4) serves **to include all who turn away**[H] one’s son from God, i.e., all gentiles, **what is there to say? Rather, by Torah law** only **sexual relations by way of marriage**[N] are prohibited,[H] **and they came** and **decreed** that sexual relations are prohibited **even by way of licentiousness.**

זְנוּת נַמִּי בְּבֵית דִּינוֹ שֶׁל שֵׁם גְּזָרוּ, דִּכְתִיב: ״וַיֹּאמֶר יְהוּדָה הוֹצִיאוּהָ וְתִשָּׂרֵף״!

The Gemara raises an objection: **Licentious** sexual intercourse was **also** prohibited earlier, as **they decreed** a prohibition in this regard **in the court of Shem,**[N] **as it is written:** “It was told to Judah, saying: Tamar your daughter-in-law has played the harlot; and moreover, behold, she is with child by harlotry. **And Judah said: Bring her forth, and let her be burned”** (Genesis 38:24). This proves that the prohibition against licentious intercourse with a gentile was in force long before the time of the students of Shammai and Hillel.

NOTES

You are cursed with the curse – בִּמְאֵרָה אַתֶּם נֵאָרִים: The verse conveys God’s dissatisfaction with the behavior of the Jewish people: You accept upon yourselves decrees whose violation results in a curse, and then transgress those very decrees. In this manner, you effectively rob Me.

Their wine due to their daughters – יֵינָן מִשּׁוּם בְּנוֹתֵיהֶן: Wine often leads to mutual bonding as well as licentiousness, and these in turn can lead one to participate in idol worship with gentiles.

The seven Canaanite nations – שִׁבְעָה גּוֹיִם: The idea that the prohibition refers specifically to these seven nations is supported by the beginning of the section in the Torah in which that verse appears: “When the Lord your God shall bring you into the land where you go to possess it, and shall cast out many nations before you, the Hittite, and the Girgashite, and the Amorite, and the Canaanite, and the Perizzite, and the Hivite, and the Jebusite, seven nations” (Deuteronomy 7:1). Two verses later it states: “Neither shall you make marriages with them” (Deuteronomy 7:3).

Sexual relations by way of marriage – אִישׁוּת דֶּרֶךְ חֲתָנוּת: By Torah law, although there is no possibility of a legal marriage between a Jew and gentile, permanent living arrangements with a gentile are prohibited, as such arrangements essentially function like a marriage and are therefore prohibited lest the gentile lead the Jew to idol worship.

In the court of Shem – בְּבֵית דִּינוֹ שֶׁל שֵׁם: Shem’s lifespan overlapped with that of the Patriarchs. According to the midrash, Judah was a student of Shem, whose daughter was Tamar. Shem himself had the status of a priest. As the daughter of a priest, the penalty for Tamar’s harlotry would have been burning, as Judah proposed (Rashi on Genesis 38:24; see *Tosefot Ḥakhmei Angliyya*).

HALAKHA

To include all who turn away – לְרַבּוֹת כָּל הַמְּסִירוֹת: A Jew who has sexual relations with a gentile through marriage is punished with lashes by Torah law, as he has violated the prohibition: “Neither shall you make marriages with them” (Deuteronomy 7:3). This *halakha* is in accordance with the opinion of Rabbi Shimon bar Yoḥai. The Rema notes that some authorities, including the Rosh, rule in accordance with the other opinion, as they maintain that lashes are administered only to one who engages in intercourse with a member of the seven nations, and even then only after they have converted (Rambam *Sefer Shofetim*, *Hilkhot Issurei Bia* 12:1; *Shulḥan Arukh*, *Even HaEzer* 16:1 and *Beur HaGra* there).

By Torah law sexual relations by way of marriage are prohibited, etc. – דְּאוֹרַיְיתָא אִישׁוּת דֶּרֶךְ חֲתָנוּת וכו׳: The Torah prohibits sexual intercourse with a gentile woman only in the context of marriage. Nevertheless, one who engages in licentious intercourse with a gentile woman receives lashes for rebelliousness by rabbinic law. A Jew who engages in licentious intercourse with such a woman bears liability for transgressing the four prohibitions listed in the Gemara, in accordance with the decree of the Hasmonean court as explained by Ravin (Rambam *Sefer Shofetim*, *Hilkhot Issurei Bia* 12:2, and see *Kesef Mishne* there; *Shulḥan Arukh*, *Even HaEzer* 16:1).

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אֶלָּא, דְּאוֹרַיְיתָא גּוֹי הַבָּא עַל בַּת יִשְׂרָאֵל, דְּמַשְׁכָה בְּתֵרֵיהּ, אֲבָל יִשְׂרָאֵל הַבָּא עַל הַגּוֹיָה – לָא, וַאֲתוּ אִינְהוּ גְּזוּר אֲפִילּוּ יִשְׂרָאֵל הַבָּא עַל הַגּוֹיָה.

The Gemara explains: **Rather,** the prohibition prescribed **by Torah law** applies to the case of **a gentile who engaged in intercourse**[N] **with a Jewish woman, as she is drawn after him** toward idolatry, **but** the case of **a Jew who engaged in intercourse with a gentile woman** is **not** included in the prohibition by Torah law. **And** the students of Shammai and Hillel **came** and **decreed** that the prohibition applies **even** to **a Jew who engaged in intercourse with a gentile woman.**

יִשְׂרָאֵל הַבָּא עַל הַגּוֹיָה – הֲלָכָה לְמֹשֶׁה מִסִּינַי הִיא, דְּאָמַר מָר: הַבּוֹעֵל אֲרָמִית – קַנָּאִין פּוֹגְעִין בּוֹ!

The Gemara rejects this: The prohibition concerning **a Jew who engaged in intercourse with a gentile woman is a *halakha*** transmitted **to Moses from Sinai,** not a rabbinic ordinance. **As the Master said:** With regard to **one who engages in intercourse with an Aramean woman,**[H] **zealots may attack him,** as Pinehas did to Zimri in the wilderness (see Numbers 25:6–8).

אֲמַר לֵיהּ: דְּאוֹרַיְיתָא בְּפַרְהֶסְיָא וּכְמַעֲשֶׂה שֶׁהָיָה, וַאֲתוּ אִינְהוּ גְּזוּר אֲפִילּוּ בְּצִינְעָא. בְּצִינְעָא נַמִּי בֵּית דִּינוֹ שֶׁל חַשְׁמוֹנַאי גָּזְרוּ,

He said to him:[N] **By Torah law** intercourse with a gentile is prohibited **in public, and** only in situations **like the incident that occurred,**[N] as described in Numbers, chapter 25. **And** the students of Shammai and Hillel **came** and **decreed** that the prohibition applies **even in private.** The Gemara raises another difficulty: This was **also** prohibited **in private,** as **the court of the Hasmoneans decreed** that it is prohibited.

[דְּכִי אֲתָא רַב דִּימִי אָמַר: בֵּית דִּין שֶׁל חַשְׁמוֹנַאי גָּזְרוּ,] יִשְׂרָאֵל הַבָּא עַל הַגּוֹיָה – חַיָּיב מִשּׁוּם נשג"א,

As when Rav Dimi came from Eretz Yisrael to Babylonia, he **said: The court of the Hasmoneans decreed** that **a Jew who engaged in intercourse with a gentile woman bears** liability **for** transgressing four prohibitions, represented by the mnemonic: ***Nun, shin, gimmel, alef.***[N] These letters stands for: Menstruating woman [*nidda*], maidservant [*shifḥa*], gentile [*goya*], and married woman [*eshet ish*]. By rabbinic law, a man who engages in intercourse with a gentile woman is considered to have violated the prohibitions involved in having intercourse with all four of these women.

כִּי אֲתָא רָבִין אָמַר: מִשּׁוּם נשג"ז!

And **when Ravin came** from Eretz Yisrael to Babylonia, he **said:** He bears liability **for** four prohibitions represented by the mnemonic: ***Nun, shin, gimmel, zayin,*** which stands for: Menstruating woman [*nidda*], maidservant [*shifḥa*], gentile [*goya*], and prostitute [*zona*]. In any case, it is apparent that this decree was in force before the time of the students of Shammai and Hillel.

כִּי גָּזְרוּ בֵּית דִּינוֹ שֶׁל חַשְׁמוֹנַאי בִּיאָה, אֲבָל יִיחוּד – לָא, וַאֲתוּ אִינְהוּ גְּזוּר אֲפִילּוּ יִיחוּד. יִיחוּד נַמִּי, בֵּית דִּינוֹ שֶׁל דָּוִד גָּזְרוּ,

The Gemara answers: **When the court of the Hasmoneans decreed,** they prohibited only **sexual intercourse, but** with regard to **seclusion** with a gentile woman, **no,** they did not prohibit that. **And** the students of Shammai and Hillel **came** and **decreed** that **even seclusion** with a gentile woman is prohibited. The Gemara raises an objection: **Seclusion** was **also** prohibited earlier, as **the court of** King **David decreed** that with regard to this matter.

דְּאָמַר רַב יְהוּדָה: בְּאוֹתָהּ שָׁעָה גָּזְרוּ עַל יִיחוּד! אָמְרִי: הָתָם יִיחוּד דְּבַת יִשְׂרָאֵל, אֲבָל יִיחוּד דְּגוֹיָה – לָא, וַאֲתוּ אִינְהוּ גְּזוּר אֲפִילּוּ אַיִיחוּד דְּגוֹיָה.

As Rav Yehuda says: At that time, after the incident involving Amnon and Tamar (see II Samuel 13:1–19), **they decreed with regard to seclusion.** The Sages **said** in response to the objection: **There,** in David's court, **seclusion with a Jewish woman** was prohibited, **but seclusion with a gentile woman** was **not** prohibited. **And** the students of Shammai and Hillel **came** and **decreed** a prohibition **even with regard to seclusion with a gentile woman.**

יִיחוּד דְּבַת יִשְׂרָאֵל דְּאוֹרַיְיתָא הִיא! דְּאָמַר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי שִׁמְעוֹן בֶּן יְהוֹצָדָק: רָמְזוּ לְיִיחוּד מִן הַתּוֹרָה מִנַּיִן? שֶׁנֶּאֱמַר: "כִּי יְסִיתְךָ אָחִיךָ בֶּן אִמֶּךָ", וְכִי בֶּן אֵם מֵסִית, בֶּן אָב אֵינוֹ מֵסִית?

The Gemara raises yet another difficulty: **Seclusion with a Jewish woman is** prohibited **by Torah law, as Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak: Where is there an allusion in the Torah to** the prohibition against **seclusion? As it is stated: "If your brother, the son of your mother, entices you"** (Deuteronomy 13:7). **And does only** a half brother who is **the son of a mother entice** one to sin, whereas **the son of a father does not entice?**

NOTES

By Torah law, a gentile who engaged in intercourse, etc. – דְּאוֹרַיְיתָא גּוֹי הַבָּא וכו': Some commentaries claim that this prohibition does not actually apply by Torah law. Nevertheless, as it was established in those times and as this particular incident is chronicled in the Torah, the Gemara refers to it as a Torah law for the purposes of this discussion (Rid; Rashash).

He said to him – אֲמַר לֵיהּ: These words are difficult, as there are no *amora'im* named in this discussion. Some manuscripts do not include these words at all. Others suggest that it should state: Rather [*ela*], which in the Aramaic may be confused with: He said to him [*amar leih*], if the latter is not written out in full.

In public, and like the incident that occurred – בְּפַרְהֶסְיָא וּכְמַעֲשֶׂה שֶׁהָיָה: This teaches that zealots are permitted to attack one who engages in intercourse with a gentile if two conditions are met. First, it must be performed in public display, i.e., in front of ten Jews. Second, the attack may be carried out only during the act of copulation itself, but not afterward.

Bears liability for *nun*, *shin*, *gimmel*, *alef* – חַיָּיב מִשּׁוּם נשג"א: That is, one who engages in intercourse with a gentile woman is punished with lashes for rebelliousness on these four counts (Meiri; see also *Piskei HaRid*).

HALAKHA

One who engages in intercourse with an Aramean woman – הַבּוֹעֵל אֲרָמִית: One who has intercourse with a gentile woman in the proximity of ten or more Jews forfeits his life to any zealot who attacks him, provided that he was warned (Ra'avad). This is a *halakha* transmitted to Moses from Sinai (Rambam *Sefer Shofetim*, *Hilkhot Issurei Bia* 12:4, and see 5–8; *Shulḥan Arukh*, *Even HaEzer* 16:2 and *Ḥoshen Mishpat* 425:4).

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אֶלָּא, בֵּן מִתְיַיחֵד עִם אִמּוֹ, וְאֵין אַחֵר מִתְיַיחֵד עִם כָּל עֲרָיוֹת שֶׁבַּתּוֹרָה!

Rather, there is a greater concern that a maternal half brother might entice one to sin, as **a son secludes himself with his mother,**[H] **and no other may seclude himself with any** of **those with whom relations are forbidden by the Torah.** Since an individual and his maternal half brother both seclude themselves with their shared mother, they are frequently together in private, and this facilitates enticement. In any case, it is clear that the prohibition against seclusion with a Jewish woman preceded King David.

יִיחוּד דְּאוֹרַיְיתָא דְּאֵשֶׁת אִישׁ, וַאֲתָא דָּוִד וְגָזַר אֲפִילּוּ אַיִיחוּד דִּפְנוּיָה, וַאֲתוּ תַּלְמִידֵי בֵּית שַׁמַּאי וּבֵית הִלֵּל גְּזוּר אֲפִילּוּ אַיִיחוּד דְּגוֹיָה.

The Gemara explains: The prohibition against **seclusion** prescribed **by Torah law** applies specifically to **a married woman, and David came and decreed** a prohibition **even with regard to seclusion with an unmarried woman.**[H] **And** later **the students of Beit Shammai and Beit Hillel came** and **decreed even with regard to seclusion with a gentile woman.**[H]

מַאי ״עַל דָּבָר אַחֵר מְשׁוּם דָּבָר אַחֵר״? אָמַר רַב נַחְמָן בַּר יִצְחָק: גָּזְרוּ עַל תִּינוֹק גּוֹי שֶׁיִּטְמֵא בִּזִיבָה, שֶׁלֹּא יְהֵא תִּינוֹק יִשְׂרָאֵל רָגִיל אֶצְלוֹ בְּמִשְׁכַּב זְכוּר;

§ It was stated above that they issued a decree prohibiting the daughters of gentiles due to something else, idolatry. And they further issued a decree on something else due to something else. The Gemara asks: **What** is the meaning of: And they further issued a decree **on something else due to something else? Rav Naḥman bar Yitzḥak says: They decreed upon** a male **gentile child**[H] **that he imparts ritual impurity as** though he were a Jew who experienced a gonorrhea-like **discharge** [*ziva*], so **that a Jewish child will not become familiar with him,** leading **to homosexual intercourse.** The Sages employed a euphemism when referring to this decree.

דְּאָמַר רַבִּי זֵירָא: צַעַר גָּדוֹל הָיָה לִי אֵצֶל רַבִּי אַסִּי, וְרַבִּי אַסִּי אֵצֶל רַבִּי יוֹחָנָן, וְרַבִּי יוֹחָנָן אֵצֶל רַבִּי יַנַּאי, וְרַבִּי יַנַּאי אֵצֶל רַבִּי נָתָן בֶּן עַמְרָם, וְרַבִּי נָתָן בֶּן עַמְרָם אֵצֶל רַבִּי: תִּינוֹק גּוֹי מֵאֵימָתַי מְטַמֵּא בִּזִיבָה? וְאָמַר לִי: בֶּן יוֹמוֹ, וּכְשֶׁבָּאתִי אֵצֶל רַבִּי חִיָּיא, אָמַר לִי: בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד,

As Rabbi Zeira says: I had great trouble[N] **with Rabbi Asi** when I asked him the following question, **and** likewise **Rabbi Asi** experienced trouble **with Rabbi Yoḥanan** when he posed it to him. **And Rabbi Yoḥanan** had trouble **with Rabbi Yannai, and Rabbi Yannai** had trouble **with Rabbi Natan ben Amram, and Rabbi Natan ben Amram** had trouble **with Rabbi** Yehuda HaNasi. The inquiry was as follows: With regard to a male **gentile child, from when,** i.e., from what age, does he **impart ritual impurity as** one who experiences ***ziva*? And** Rabbi Yehuda HaNasi **said to me:** From when he is **one day old. And when I came to Rabbi Ḥiyya, he said to me:** From when he is **nine years and one day old.**

וּכְשֶׁבָּאתִי וְהִרְצֵיתִי דְּבָרַי לִפְנֵי רַבִּי, אָמַר לִי: הַנַּח דְּבָרַי וֶאֱחוֹז דִּבְרֵי רַבִּי חִיָּיא, דְּאָמַר: תִּינוֹק גּוֹי אֵימָתַי מְטַמֵּא בִּזִיבָה – בֶּן תֵּשַׁע שָׁנִים וְיוֹם אֶחָד,

And when I came back **and relayed** Rabbi Ḥiyya's **statement before Rabbi** Yehuda HaNasi, **he said to me: Discard my statement, and grasp the statement of Rabbi Ḥiyya, who says:** From **when** does **a gentile child impart ritual impurity as** one who experiences ***ziva*?** From when he is **nine years and one day old.**

HALAKHA

A son secludes himself with his mother, etc. – בֵּן מִתְיַיחֵד עִם אִמּוֹ וכו׳: It is prohibited to be secluded with any of those with whom relations are forbidden by Torah law. There are two exceptions to this principle: A child may be secluded with either parent, and a man may seclude himself with his menstruating wife (Rambam *Sefer Shofetim*, *Hilkhot Issurei Bia* 22:1; *Shulḥan Arukh*, *Even HaEzer* 22:1).

Seclusion with an unmarried woman – יִיחוּד דִּפְנוּיָה: After Amnon raped Tamar, David and his court issued a decree prohibiting seclusion with an unmarried woman (Rambam *Sefer Shofetim*, *Hilkhot Issurei Bia* 22:3; *Shulḥan Arukh*, *Even HaEzer* 22:2).

Seclusion with a gentile woman – יִיחוּד דְּגוֹיָה: The students of Shammai and Hillel issued a decree prohibiting seclusion with a gentile woman (Rambam *Sefer Shofetim*, *Hilkhot Issurei Bia* 22:3; *Shulḥan Arukh*, *Even HaEzer* 22:2).

They decreed upon a gentile child, etc. – גָּזְרוּ עַל תִּינוֹק גּוֹי וכו׳: By Torah law, gentiles do not bear any ritual impurity whatsoever. The Sages decreed that male gentiles are considered to be in a state of perpetual impurity of *ziva* from the age of nine years and one day. This *halakha* is in accordance with the opinion of Rabbi Ḥiyya (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 2:10).

NOTES

Great trouble – צַעַר גָּדוֹל: In other words, it was difficult to find the answer to this question. Since there was no clear source for the ruling, the Sages of that generation had no choice but to determine the *halakha* based on reason alone.

Perek **II**
Daf **37** Amud **a**

הוֹאִיל וְרָאוּי לְבִיאָה מְטַמֵּא נַמִּי בִּזִיבָה. אָמַר רָבִינָא: הִלְכָךְ, הָא תִּינוֹקֶת גּוֹיָה בַּת שָׁלֹשׁ שָׁנִים וְיוֹם אֶחָד, הוֹאִיל וּרְאוּיָה לְבִיאָה – מְטַמְּאָה נַמִּי בִּזִיבָה.

The Gemara explains the reason for this opinion: **Since** a nine-year-old boy **is fit to** engage in **intercourse, he also imparts ritual impurity as** one who experienced ***ziva*. Ravina said: Therefore,** with regard to **a female gentile child** who **is three years and one day old,**[H] **since she is fit to** engage in **intercourse** at that age, **she also imparts impurity as** one who experienced ***ziva*.**

פְּשִׁיטָא! מַהוּ דְּתֵימָא: הַאי יָדַע לְאַרְגּוֹלֵי וְהָא לָא יָדְעָה לְאַרְגּוֹלֵי, קָא מַשְׁמַע לָן.

The Gemara asks: Isn't that **obvious?** The Gemara explains: It was necessary to state this ruling, **lest you say** that the *halakha* that a gentile who is suited for intercourse imparts impurity does not apply to a female. The possible difference between a male and female child is based on the fact that whereas **that** child, a nine-year-old male gentile, **knows** how **to accustom** others to sin by employing persuasion, **this** child, a three-year-old female gentile, **does not know** how **to accustom** others to sin until she matures. Therefore, Ravina **teaches us** that the *halakha* nevertheless applies to both male and female children.

HALAKHA

A female gentile child who is three years and one day old, etc. – תִּינוֹקֶת גּוֹיָה בַּת שָׁלֹשׁ שָׁנִים וְיוֹם אֶחָד וכו׳: The Sages decreed that a gentile woman imparts ritual impurity in the manner of one who experienced *ziva*. This applies from the age of three onward, in accordance with the statement of Ravina (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 2:10).

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מִיסְתַּמֵּיךְ וְאָזֵיל רַבִּי יְהוּדָה נְשִׂיאָה אַכְּתֵפֵיהּ דְּרַבִּי שִׁמְלַאי שַׁמְּעֵיהּ, אָמַר לוֹ: שִׁמְלַאי, לֹא הָיִיתָ אֶמֶשׁ בְּבֵית הַמִּדְרָשׁ כְּשֶׁהִתַּרְנוּ אֶת הַשֶּׁמֶן. אָמַר לוֹ: בְּיָמֵינוּ תַּתִּיר אַף אֶת הַפַּת. אָמַר לוֹ: אִם כֵּן, קָרוּ לָן "בֵּית דִּינָא שָׁרְיָא", דְּתָנַן: הֵעִיד רַבִּי יוֹסֵי בֶּן יוֹעֶזֶר אִישׁ צְרֵידָה עַל אֵיל קַמְצָא דָּכֵן, וְעַל מַשְׁקֶה בֵּית מִטְבַּחֲיָא דָּכֵן, וְעַל דְּיִקְרַב לְמִיתָא מְסָאֲב, וְקָרוּ לֵיהּ "יוֹסֵף שָׁרְיָא".

The Gemara relates a relevant incident: **Rabbi Yehuda Nesia was traveling** while **leaning upon the shoulder of Rabbi Simlai, his attendant.** Rabbi Yehuda Nesia **said to him: Simlai, you were not in the study hall last night when we permitted the oil** of gentiles. Rabbi Simlai **said to him: In our days, you will permit bread** of gentiles **as well.**[N] Rabbi Yehuda Nesia **said to him: If so,** people will **call us a permissive court.**[H] **As we learned** in a mishna (*Eduyyot* 8:4): **Rabbi Yosei ben Yo'ezer of Tzereida testified with regard to** the ***eil kamtza***,[L] a type of locust, that it is **kosher, and with regard to the liquids of the slaughterhouse**[HN] in the Temple that they are **ritually pure, and with regard to one who touches a corpse** that he is **impure,** as soon explained by the Gemara. **And** as a result, **they called him: Yosef the Permissive.**

אָמַר לֵיהּ: הָתָם שְׁרָא תְּלָת, וּמָר שְׁרָא חֲדָא, וְאִי שָׁרֵי מָר חֲדָא אַחֲרִיתִי, אַכַּתִּי תַּרְתֵּין הוּא דְּהָוְיָין! אָמַר לֵיהּ: אֲנָא שְׁרַאי אַחֲרִיתִי. מַאי הִיא?

Rabbi Simlai **said to him: There,** Yosei ben Yo'ezer **permitted three** matters, **but the Master** has **permitted** only **one, and** even **if the Master permits one other** matter, these **will still constitute** only **two** permissive rulings. Rabbi Yehuda Nesia **said to him: I** have already **permitted another** matter. The Gemara asks: **What is** the other matter that he permitted?

דְּתָנַן: "זֶה גִּיטֵּךְ אִם לֹא בָּאתִי מִכָּאן עַד שְׁנֵים עָשָׂר חוֹדֶשׁ", וּמֵת בְּתוֹךְ שְׁנֵים עָשָׂר חוֹדֶשׁ – אֵינוֹ גֵּט, וְתָנֵי עֲלָהּ: וְרַבּוֹתֵינוּ הִתִּירוּהָ לְיַנָּשֵׂא, וְאָמְרִינַן: מַאן "רַבּוֹתֵינוּ"? אָמַר רַב יְהוּדָה אֲמַר שְׁמוּאֵל: בֵּית דִּינָא דְּשָׁרוּ מִשְׁחָא.

The Gemara explains that this is **as we learned** in a mishna (*Gittin* 76b) that if one says to his wife: **This is your bill of divorce if I do not arrive**[H] **from now until twelve months'** time, **and he died within twelve months,** then **it is not** a valid **bill of divorce**[N] because it would not take effect until after the husband's death. **And it is taught with regard to** that mishna that **our Rabbis** nevertheless **permitted her to marry.** The Gemara continues: **And we say: Who** is the mishna referring to when it mentions **our Rabbis? Rav Yehuda said** that **Shmuel said:** This is referring to **the court that permitted the oil** of gentiles.

סָבְרִי לָהּ כְּרַבִּי יוֹסֵי, דְּאָמַר: זְמַנּוֹ שֶׁל שְׁטָר מוֹכִיחַ עָלָיו, וְאָמַר רַבִּי אַבָּא בְּרֵיהּ דְּרַבִּי חִייָא בַּר אַבָּא: רַבִּי יְהוּדָה הַנָּשִׂיא הוֹרָה, וְלֹא הוֹדוּ לוֹ כָּל שְׁעָתוֹ, וְאָמְרִי לָהּ: כָּל סִייָעְתוֹ.

Tangentially, the Gemara examines the reason for the ruling of Rabbi Yehuda Nesia's court concerning a bill of divorce. **They hold in accordance with** the opinion of **Rabbi Yosei, who says: The date** written **in a document proves** when **it** takes effect.[N] In other words, the bill of divorce takes effect at the time written on it. Therefore, the divorce actually goes into effect before the husband's death, because it is retroactively initiated on the day that the bill was issued. The Gemara adds: **And Rabbi Abba, son of Rabbi Ḥiyya bar Abba, says:** In an earlier period, **Rabbi Yehuda HaNasi** also **ruled** that the bill of divorce should be valid, **but** the other Sages **did not concede to** his opinion during **his entire lifetime** [***sha'ato***].[N] **And some say** that **all of his colleagues** [***si'ato***] did not concede to his opinion.

אָמַר לֵיהּ רַבִּי (אֱלִיעֶזֶר) [אֶלְעָזָר] לְהַהוּא סָבָא: כִּי שְׁרִיתוּהָ – לְאַלְתַּר שְׁרִיתוּהָ, דְּלָא אָתֵי, אוֹ דִּלְמָא לְאַחַר שְׁנֵים עָשָׂר חוֹדֶשׁ, דְּהָא אִיקַּיֵּים לֵיהּ תְּנָאֵיהּ?

Rabbi Elazar said to a certain elderly man, who was a member of Rabbi Yehuda Nesia's court: **When you permitted** this woman to remarry, did **you permit her immediately** after the husband died, **as he** certainly will **not arrive** within the twelve months, **or perhaps** you permitted her only **after twelve months, because** only then was **the condition fulfilled?**

HALAKHA

People will call us a permissive court – קָרוּ לָן בֵּית דִּינָא שָׁרְיָא: A court that has already permitted two previously prohibited matters should not rush to permit a third (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 2:8).

Liquids of the slaughterhouse – מַשְׁקֶה בֵּית מִטְבַּחֲיָא: The liquids of the slaughterhouse, i.e., the blood of offerings and the water used there, are permanently pure, do not contract ritual impurity, and do not render other items susceptible to ritual impurity. This is a *halakha* established through tradition (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 10:16).

This is your bill of divorce if I do not arrive – זֶה גִּיטֵּךְ אִם לֹא בָּאתִי: With regard to a woman whose husband said: This is your bill of divorce if I do not arrive until twelve months' time, without adding the phrase: From now, or: On the condition that, and then he died within the twelve months, she must perform *ḥalitza* if they had no children. This is because with regard to the matter of levirate marriage, she is considered a divorced woman as a matter of uncertainty (*Shulḥan Arukh*, *Even HaEzer* 144:2).

LANGUAGE

***Eil kamtza* – אַיִל קַמְצָא:** *Kamtza* is Aramaic for grasshopper. *Eil kamtza* is apparently the name given to a particular kind of locust whose head resembled the head of a ram [*eyal*].

Slant-faced grasshopper

NOTES

You will permit bread of gentiles as well – תַּתִּיר אַף אֶת הַפַּת: As mentioned earlier, the general populace could not maintain the prohibition against eating gentiles' bread, and it was largely ignored. Rav Simlai held that it was therefore appropriate for the court to permit it officially.

Liquids of the slaughterhouse – מַשְׁקֶה בֵּית מִטְבַּחֲיָא: Rabbinic ordinances pertaining to the Temple often differ from those that apply to the general populace. Yosei ben Yo'ezer testified that the blood and water in the Temple slaughterhouse were subject to a different *halakha*, as later explained in the Gemara.

It is not a valid bill of divorce – אֵינוֹ גֵּט: The practical ramification of this dispute is not whether the woman is permitted to remarry, as her husband's death certainly allows her to do so. Rather, the discussion is relevant for the mitzva of a levirate marriage, in a case where the late husband had no children: If the bill of divorce is valid, she is divorced and therefore exempt from that obligation; if it is not a valid divorce, she is subject to it.

The date written in a document proves when it takes effect – זְמַנּוֹ שֶׁל שְׁטָר מוֹכִיחַ עָלָיו: This dispute applies to the case of a father who writes a document posthumously transferring all of his possessions to his son. According to the Rabbis, in the absence of a clause explicitly stating that the possessions are to be retroactively transferred to his son from the time of writing, the document is invalid, as one cannot transfer property to another after one's death. According to Rabbi Yosei, the date on the document proves when it takes effect, and therefore the property is transferred to the son retroactively.

His entire lifetime – כָּל שְׁעָתוֹ: The word *sha'ato* literally means: His time. Rashi understands that this refers to his lifetime. Others maintain that it refers to the Sages of his time (*Arukh*).

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וְתִיבָּעֵי לָךְ אַמַּתְנִיתִין, דְּתָנַן: ״הֲרֵי זֶה גִּיטֵּךְ מֵעַכְשָׁיו אִם לֹא בָּאתִי מִכָּאן עַד שְׁנֵים עָשָׂר חוֹדֶשׁ״, וּמֵת בְּתוֹךְ שְׁנֵים עָשָׂר חוֹדֶשׁ – הֲוֵי גֵּט, דְּהָא אִיקַּיְּים לֵיהּ תְּנַאי,

That elderly man said to Rabbi Elazar: **And let the dilemma be raised with regard to the mishna** itself, **as we learned** in the next line of the mishna in *Gittin*: If one says to his wife: **This is your bill of divorce from now**[H] **if I do not arrive from now until twelve months** have elapsed, **and he died within twelve months, this is** a valid **bill of divorce.** The reason is **that its condition was fulfilled,** as the husband stated explicitly that the bill takes effect immediately.

וְתִיבָּעֵי לָךְ: לְאַלְתַּר הֲוֵי גִּיטָּא, דְּהָא לָא אֲתָא, אוֹ דִּלְמָא לְאַחַר שְׁנֵים עָשָׂר חוֹדֶשׁ, דְּהָא אִיקַּיְּים לֵיהּ תְּנָאֵיהּ! אֵין הָכִי נַמִּי, אֶלָּא מִשּׁוּם דְּדָיְינֵי בְּהַהוּא מְגֵיעָנָא.

He explains: **And let the dilemma be raised** with regard to this case: **Is** the **bill of divorce** valid **immediately** upon the husband's death **because he will** certainly **not arrive? Or perhaps** the bill of divorce is valid only **after twelve months** have elapsed, **because** only then is **his condition fulfilled?** Rabbi Elazar answered: **Yes,** it **is indeed so;** this question can be asked with regard to the case of the mishna itself. The Gemara adds: **But** Rabbi Elazar asked that elder about the decision of Rabbi Yehuda Nesia's court **because he was** present **at that assembly,** and therefore he could report on what had actually occurred.

אָמַר אַבָּיֵי: הַכֹּל מוֹדִים, ״לְכְשֶׁתֵּצֵא חַמָּה מִמַּזְרִחֵיקָה״ – לְכִי נָפְקָא קָאָמַר לָהּ, וְכִי מָיֵית בְּלֵילְיָא – גֵּט לְאַחַר מִיתָה הוּא;

Abaye says: All concede that one who says that a bill of divorce will take effect **once the sun emerges from its sheath**[H] **is saying to** his wife that it will be valid **once** the sun **comes out** in the morning. **And** therefore, if the husband **dies during the night,** before sunrise, **it is a posthumous bill of divorce,** which is invalid.

״עַל מְנָת שֶׁתֵּצֵא חַמָּה מִמַּזְרִחֵיקָה״ – מֵעַכְשָׁיו קָאָמַר לָהּ, וְכִי מָיֵית בְּלֵילְיָא – הָא וַדַּאי תְּנָאָה הֲוֵי וְגֵט מֻחְזָיִים הוּא, כִּדְרַב הוּנָא, דְּאָמַר רַב הוּנָא: כָּל הָאוֹמֵר ״עַל מְנָת״ כְּאוֹמֵר ״מֵעַכְשָׁיו״ דָּמֵי;

Furthermore, if he said to her: **On the condition that the sun will come out of its sheath,**[H] then **he is saying to** his wife that the bill of divorce will take effect retroactively **from now,** on the condition that the sun emerges. **And** accordingly, **if he dies during the night, this is certainly** a fulfilled **condition, and it is a bill of divorce** which takes effect retroactively, **while** he is **alive; in accordance with** the statement **of Rav Huna. As Rav Huna says:** With regard to **anyone who states** a provision employing the language: **On the condition,**[H] it **is tantamount to his stating** in the provision that the document takes effect retroactively **from now.**

לֹא נֶחְלְקוּ אֶלָּא בְּ״אִם תֵּצֵא״, רַבִּי יְהוּדָה הַנָּשִׂיא סָבַר לָהּ כְּרַבִּי יוֹסֵי, דְּאָמַר: זְמַנּוֹ שֶׁל שְׁטָר מוֹכִיחַ עָלָיו, וַהֲוָה לֵיהּ כְּ״מֵהַיּוֹם אִם מַתִּי״, כְּ״מֵעַכְשָׁיו אִם מַתִּי״, וְרַבָּנַן לֵית לְהוּ דְּרַבִּי יוֹסֵי, וַהֲוָה לֵיהּ כְּ״זֶה גִּיטֵּךְ אִם מַתִּי״ גְּרִידָא.

They disagreed only[H] **in** the case of one who said to his wife: This will be your bill of divorce **if** the sun **emerges** from its sheath, and the husband died during the night. **Rabbi Yehuda HaNasi holds in accordance with** the opinion of **Rabbi Yosei, who says** that **the date** written **in a document proves** when **it** takes effect, **and it is** therefore **considered as though** the husband said: **From today if I die,** or **as though** he said: **From now if I die. And the Sages do not** accept the opinion **of Rabbi Yosei, and** consequently they maintain that **it is considered as though** the husband said **only: This is your bill of divorce if I die,** in which case the bill of divorce is not valid, as it would take effect only after the husband's death.

גּוּפָא: הֵעִיד יוֹסֵי בֶּן יוֹעֶזֶר אִישׁ צְרֵידָה עַל אֵיילָ קַמְצָא דָּכָן, וְעַל מַשְׁקֵה בֵּי מִטְבַּחֲיָא דָּכָן, וְעַל דְּיִקְרַב לְמִיתָא מְסָאֵב, וְקָרוּ לֵיהּ ״יוֹסֵף שָׁרְיָא״. מַאי אֵיילָ קַמְצָא? רַב פַּפָּא אָמַר: שׁוֹשִׁיבָא, וְרַב חִיָּיא בַּר אַמִּי מִשְּׁמֵיהּ דְּעוּלָּא אָמַר: סוּסְבִּיל.

§ The Gemara returns to **the** matter **itself: Yosei ben Yo'ezer**[P] **of Tzereida testified with regard to** the ***eil kamtza*** that it is **kosher, and with regard to the liquids of the slaughterhouse** in the Temple that they are **ritually pure, and with regard to one who touches a corpse** that he is **impure. And** as a result, **they called him: Yosef the Permissive.** The Gemara asks: **What is** the ***eil kamtza*? Rav Pappa says:** It is a long-headed locust called ***shoshiva,*** **and Rav Ḥiyya bar Ami says in the name of Ulla:** It is a locust called ***susbil.***[L]

HALAKHA

This is your bill of divorce from now, etc. – הֲרֵי זֶה גִּיטֵּךְ מֵעַכְשָׁיו וכו׳: With regard to a woman whose husband says: This is your bill of divorce from now if I do not arrive until twelve months have elapsed, she is divorced if her husband dies during those twelve months. Since Rabbi Elazar's dilemma was never resolved, if her husband had no children she may not marry until after twelve months have passed unless she has performed *ḥalizta* (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 9:11; *Shulḥan Arukh*, *Even HaEzer* 144:3).

Once the sun emerges from its sheath – לְכְשֶׁתֵּצֵא חַמָּה מִמַּזְרִחֵיקָה: If one says to his wife: This is your bill of divorce once the sun emerges from its sheath, and he dies during that night, she is not divorced (Rambam). The *Shulḥan Arukh* rules that it is uncertain whether or not she is divorced (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 9:15; *Shulḥan Arukh*, *Even HaEzer* 144:4).

On the condition that the sun will come out of its sheath – עַל מְנָת שֶׁתֵּצֵא חַמָּה מִמַּזְרִחֵיקָה: With regard to a husband who says to his wife: This is your bill of divorce on the condition that the sun will shine, and then he dies during that night, she is retroactively divorced. Some maintain that if he says: On the condition, but omits the phrase: From now, the halakhic status of the bill of divorce is uncertain, and therefore one must be stringent in such a case (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 9:15; *Shulḥan Arukh*, *Even HaEzer* 144:4).

Anyone who states a provision employing the language: On the condition, etc. – כָּל הָאוֹמֵר עַל מְנָת וכו׳: One who states a provision that includes the phrase: On the condition, is considered like one who stipulates that the document should take effect retroactively from now (Rambam *Sefer Nashim*, *Hilkhot Ishut* 6:17; *Shulḥan Arukh*, *Even HaEzer* 38:3).

They disagreed only, etc. – לֹא נֶחְלְקוּ אֶלָּא וכו׳: The Rambam rules in accordance with the opinion of the Rabbis that one who said: This is your bill of divorce if the sun will shine, and then died, has not divorced his wife, as the document is invalid. The *Shulḥan Arukh* rules that it is uncertain whether or not the document is valid because it is unclear whether the *halakha* follows the opinion of Rabbi Yosei in this case (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 9:15; *Shulḥan Arukh*, *Even HaEzer* 144:4).

LANGUAGE

***Susbil* – סוּסְבִּיל:** Apparently from the phrase: Horse [*sus*] of the god *bal*. These kinds of epithets for grasshoppers and other insects are found in many other languages as well.

PERSONALITIES

Yosei ben Yo'ezer – יוֹסֵי בֶּן יוֹעֶזֶר: Yosei ben Yo'ezer of Tzereida is one of the earliest known Sages. These ancient Sages were not called Rabbi or Rabban, and it has been said with regard to them that their own name is greater than a title. Yosei ben Yo'ezer and his colleague Yosei ben Yoḥanan of Jerusalem studied under Antigonus of Sokho. They were the first of the pairs of teachers, called *zugot*, who formed the spiritual leadership of the Jewish people at the start of the period of the *tanna'im*. They were also the first Sages between whom there is a recorded dispute, which laid the groundwork for disagreements between Beit Shammai and Beit Hillel in subsequent generations.

Based on the midrash, it appears that Yosei ben Yo'ezer lived during the period of the decrees of Antiochus Epiphanes. His nephew, Yakum of Tzerorot, was one of the heads of a group of extreme Hellenistic Jews; some suggest that he is the Alcimus mentioned in the book of Maccabees. According to the midrash, Yosei ben Yo'ezer was killed during the persecutions of that era, and the Sages eulogized him with the statement: The men of *eshkolot* ceased. That term is explained as a contraction of *ish shehakol bo*, literally: A man in whom there is everything. After Yosei ben Yo'ezer, there were no more men who possessed outstanding character traits, great Torah knowledge, fear of transgression, as well as kindness (see *Sota* 47b).

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רַב פַּפָּא אָמַר שׁוֹשִׁיבָא, וְקָמִיפַּלְגִי בְּרֹאשׁוֹ אָרוֹךְ, מָר סָבַר: רֹאשׁוֹ אָרוֹךְ – אָסוּר, וּמָר סָבַר: רֹאשׁוֹ אָרוֹךְ – מוּתָּר. רַב חִיָּיא בַּר אַמִּי מִשְׁמֵיהּ דְּעוּלָּא אָמַר

The Gemara explains: **Rav Pappa says** it is a ***shoshiva*, and** accordingly Yosei ben Yo'ezer and the other Rabbis **disagree with regard to a long-headed** locust:[N] One **Sage,** the Rabbis, **holds** that **a long-headed** locust is **prohibited, and** one **Sage,** Yosei ben Yo'ezer, **holds** that **a long-headed** locust is **permitted. Rav Ḥiyya bar Ami says in the name of Ulla** that

NOTES

They disagree with regard to a long-headed locust – וְקָמִיפַּלְגִי בְּרֹאשׁוֹ אָרוֹךְ: The Torah lists various characteristics of kosher locusts, but then proceeds to list four species of permitted locusts. The *tanna'im* disagree as to whether or not this is an instance of the method of biblical exegesis called: A generalization and a detail, or the method of: A generalization and a detail and a generalization. According to the Rabbis, it is a generalization and a detail, which means that the Torah is limiting the generalization by permitting only the four species explicitly mentioned. According to Yosei ben Yo'ezer, the detail is followed by another generalization, which conveys a greater leniency, and therefore any locust possessing the qualities mentioned in the Torah is permitted (Rashi).

Perek **II**
Daf **37** Amud **b**

סוּסְבִּיל, בְּרֹאשׁוֹ אָרוֹךְ כּוּלֵּי עָלְמָא לָא פְּלִיגִי דְּאָסוּר, וְהָכָא בִּכְנָפָיו חוֹפִין אֶת רוּבּוֹ עַל יְדֵי הַדְּחָק וְכוּ׳, מָר סָבַר: רוּבָּא כָּל דְּהוּ בָּעֵינַן, וּמָר סָבַר: רוּבָּא דְּמִנְכַּר בָּעֵינַן.

it is a ***susbil,*** and accordingly, **with regard to a long-headed** locust, **everyone agrees that** it is **prohibited. And here they disagree with regard** to a locust **whose wings barely cover most of its** body:[N] One **Sage,** Yosei ben Yo'ezer, **holds** that **we require** only **a minimal majority** of the locust's body to be covered by its wings, **and** one **Sage,** the Rabbis, **holds** that **we require a noticeable majority** of the body to be covered.

NOTES

Whose wings barely cover most of its body, etc. – בִּכְנָפָיו חוֹפִין אֶת רוּבּוֹ עַל יְדֵי הַדְּחָק וכו׳: The Sages had a tradition that in addition to the signs provided by the Torah for identifying kosher locusts, there is a further requirement that their wings must cover the majority of their bodies. The dispute between Yosei ben Yo'ezer and the Rabbis is whether or not that majority must be clearly recognizable.

HALAKHA

The ritual impurity of liquids themselves is by Torah law – טוּמְאַת מַשְׁקִין דְּאוֹרַיְיתָא: The Torah states explicitly that liquids contract ritual impurity, although they do not impart ritual impurity to other substances by Torah law. Nevertheless, the Sages decreed that ritually impure foods impart impurity to food and drink, and impure liquids impart impurity to food, drink, and vessels (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 7:1).

This *halakha* is written in the Torah – דְּאוֹרַיְיתָא הִיא: A corpse imparts seven-day ritual impurity by means of a tent, as well as through physical contact and by carrying. These first two methods of imparting impurity are stated explicitly in the Torah (Rambam *Sefer Tahara, Hilkhot Tumat Met* 1:1).

וְעַל מַשְׁקֶה בֵּי מִטְבְּחַיָּא דָּקָן. מַאי דָּקָן? רַב אָמַר: דָּקָן מַמָּשׁ, וּשְׁמוּאֵל אָמַר: דָּקָן מִלְּטַמֵּא אֲחֵרִים, אֲבָל טוּמְאַת עַצְמָן יֵשׁ בָּהֶן.

§ It was stated above: **And** Yosei ben Yo'ezer testified **with regard to the liquids of the slaughterhouse** in the Temple that they are **ritually pure.** The Gemara asks: **What** did Yosei ben Yo'ezer mean when he said they are **pure? Rav says:** He meant that they are **actually ritually pure. And Shmuel says: They are pure** in the sense that they do not **impart ritual impurity to other** substances; **but they themselves** can contract **impurity.**

רַב אָמַר דָּקָן מַמָּשׁ – קָסָבַר: טוּמְאַת מַשְׁקִין דְּרַבָּנַן, וְכִי גָּזְרוּ רַבָּנַן טוּמְאָה – בְּמַשְׁקִין דְּעָלְמָא, אֲבָל בְּמַשְׁקֶה בֵּי מִטְבְּחַיָּא לָא גָּזְרוּ רַבָּנַן.

The Gemara explains the reasons for these opinions. **Rav says** that these liquids are **actually pure,** as **he maintains** that **the ritual impurity of liquids** applies **by rabbinic law, and when the Sages decreed impurity** upon liquids, they did so only **with regard to ordinary liquids. But the Sages did not issue** their **decree with regard to the liquids of the slaughterhouse** in the Temple.

וּשְׁמוּאֵל אָמַר דָּקָן מִלְּטַמֵּא אֲחֵרִים, אֲבָל טוּמְאַת עַצְמָן יֵשׁ בָּהֶן – קָסָבַר: טוּמְאַת מַשְׁקִין דְּאוֹרַיְיתָא, לְטַמֵּא אֲחֵרִים דְּרַבָּנַן, וְכִי גָּזְרוּ רַבָּנַן – בְּמַשְׁקִין דְּעָלְמָא, בְּמַשְׁקִין בֵּי מִטְבְּחַיָּא לָא גָּזְרוּ.

And Shmuel says: The liquids are **ritually pure** in the sense that they do not **impart impurity to other** substances; **but they themselves** can contract **impurity,** as Shmuel **maintains** that the **ritual impurity of liquids** themselves is **by Torah law,**[H] whereas their capacity **to impart impurity to other** substances is **by rabbinic law. And when the Sages issued** this **decree,** they did so only with regard **to ordinary liquids.** But **they did not issue** their **decree** with regard **to the liquids of the slaughterhouse** in the Temple.

וְעַל דְּיִקְרַב לְמִיתָא מְסָאֵב, וְקָרוּ לֵיהּ ״יוֹסֵף שָׂרְיָא״. ״יוֹסֵף אַסָּרָא״ מִיבָּעֵי לֵיהּ! וְעוֹד, דְּאוֹרַיְיתָא הִיא, דִּכְתִיב: ״וְכֹל אֲשֶׁר יִגַּע עַל פְּנֵי הַשָּׂדֶה בַּחֲלַל חֶרֶב אוֹ בְּמֵת״ וגו׳!

§ It was stated: **And** Yosei ben Yo'ezer testified **with regard to one who touches a corpse** that he is **impure, and** as a result **they called him: Yosef the Permissive.** The Gemara questions this: Since he issued a stringent ruling, **they should have** called him: **Yosef the Prohibiting. And furthermore,** this *halakha* **is** explicitly written **in the Torah,**[H] **as it is written: "And whosoever in the open field touches one that is slain with a sword, or one that is dead,** or a bone of a man, or a grave, shall be impure seven days" (Numbers 19:16).

דְּאוֹרַיְיתָא דְּיִקְרַב טָמֵא, דְּיִקְרַב בְּדְיִקְרַב טָהוֹר, וַאֲתוּ אִינְהוּ וּגְזוּר אֲפִילּוּ דְּיִקְרַב בְּדְיִקְרַב, וַאֲתָא אִיהוּ וְאוֹקְמָהּ אַדְּאוֹרַיְיתָא.

The Gemara explains: **By Torah law one who touches** a corpse is **ritually impure,** but **one who touches** another **who** has **touched** a corpse is **pure. And** the Sages **came and decreed** that **even one who touches** another **who** has **touched** a corpse is also impure. **And** Yosei ben Yo'ezer **came and established** the *halakha* **in accordance with** the original, more lenient **Torah law.**

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דְּיקָרֵב בְּדִיקָרֵב נַמִי דְּאוֹרַיְיתָא הוּא, דִּכְתִיב: ״וְכֹל אֲשֶׁר יִגַּע בּוֹ הַטָּמֵא יִטְמָא״!

The Gemara raises a difficulty: **One who touches** another **who** has **touched** a corpse **is also** rendered impure **by Torah law, as it is written: "And whatsoever the impure person touches shall be impure"** (Numbers 19:22).

אֲמָרוּהָ רַבָּנַן קַמֵּיהּ דְּרָבָא מִשְּׁמֵיהּ דְּמָר זוּטְרָא בְּרֵיהּ דְּרַב נַחְמָן דַּאֲמַר מִשְּׁמֵיהּ דְּרַב נַחְמָן: דְּאוֹרַיְיתָא דְּיקָרֵב בְּדִיקָרֵב בְּחִיבּוּרִין טוּמְאַת שִׁבְעָה, שֶׁלֹּא בְּחִיבּוּרִין טוּמְאַת עֶרֶב; וַאֲתוּ אִינְהוּ וּגְזוּר אֲפִילּוּ שֶׁלֹּא בְּחִיבּוּרִין טוּמְאַת שִׁבְעָה, וַאֲתָא אִיהוּ וְאוֹקְמָהּ אַדְּאוֹרַיְיתָא.

The Sages stated this difficulty **before Rava in the name of Mar Zutra, the son of Rav Naḥman, who said** a response **in the name of Rav Naḥman: By Torah law,** one **who touches** another **who touches** a corpse **while** the second individual is **in concurrent contact**[H] with the corpse is impure with **seven**-day **impurity.** If this occurs **while** the second individual is **not in concurrent contact** with the corpse, he contracts **impurity** until the **evening. And** the Sages **came and decreed that even** where there is **no concurrent contact,** one still contracts **seven**-day **impurity** when he touches someone who touched a corpse. **And** subsequently Yosei ben Yo'ezer **came and established** the *halakha* **in accordance with** the original **Torah law.**

דְּאוֹרַיְיתָא מַאי הִיא? דִּכְתִיב: ״הַנֹּגֵעַ בְּמֵת לְכָל נֶפֶשׁ אָדָם וְטָמֵא שִׁבְעַת יָמִים״, וּכְתִיב: ״וְכֹל אֲשֶׁר יִגַּע בּוֹ הַטָּמֵא יִטְמָא״, וּכְתִיב: ״וְהַנֶּפֶשׁ הַנֹּגַעַת תִּטְמָא עַד הָעָרֶב״, הָא כֵּיצַד?

The Gemara asks: **What is** the source of this *halakha*, prescribed **by Torah law? As it is written: "He that touches the dead, even any man's dead body, shall be impure seven days"** (Numbers 19:11), **and it is written: "And whatsoever the impure person touches shall be impure"** (Numbers 19:22). These two verses indicate that one contracts ritual impurity for seven days. **And** yet **it is** also **written: "And the soul that touches him shall be impure until evening"** (Numbers 19:22). **How** can **these** texts be reconciled?

כָּאן בְּחִיבּוּרִין, כָּאן שֶׁלֹּא בְּחִיבּוּרִין.

The Gemara answers: **Here,** in the first two verses, the Torah is discussing **concurrent contact,** which results in impurity of seven days; **there,** in the last verse, it is discussing a case **where** there is **no concurrent contact,** and therefore the individual in question is impure only until the evening.

אֲמַר לְהוּ רָבָא: לָאו אָמִינָא לְכוּ, לָא תִּתְלוּ בֵּיהּ בּוּקֵי סְרִיקֵי בְּרַב נַחְמָן? הָכִי אֲמַר רַב נַחְמָן: סְפֵק טוּמְאָה בִּרְשׁוּת הָרַבִּים הִתִּיר לָהֶן.

Rava said to the Sages who suggested that explanation citing Rav Naḥman: **Didn't I tell you not to hang empty pitchers** [*bukei*][NL] **upon Rav Naḥman,** i.e., not to attribute incorrect statements to him? Rather, **this is** what **Rav Naḥman said:** Yosei ben Yo'ezer **permitted for them** a case of **uncertain impurity** contracted **in a public domain.**[HN] In other words, Yosei ben Yo'ezer ruled leniently that one who is unsure whether or not he came in contact with a corpse in the public domain is ritually pure.

וְהָא הִילְכְתָא מִסּוֹטָה גָּמְרִינַן לָהּ, מָה סּוֹטָה רְשׁוּת הַיָּחִיד, אַף טוּמְאָה רְשׁוּת הַיָּחִיד!

The Gemara raises a difficulty: **But didn't we learn** this ***halakha* from** the case of **a woman suspected by her husband of having been unfaithful** [*sota*]:[N] **Just as a *sota*** can be made to drink the bitter waters only when she is suspected of engaging in adultery in **a private domain, so too,** uncertain **ritual impurity** is considered impure only when one suspects that he came into contact with it in **a private domain?** This shows that even by Torah law one who is unsure whether or not he touched a corpse in the public domain remains pure.

הָא אָמַר רַבִּי יוֹחָנָן: הֲלָכָה וְאֵין מוֹרִין כֵּן, וַאֲתָא אִיהוּ וְאוֹרֵי לֵיהּ אוֹרוּיֵי.

Rabbi Yoḥanan said in explanation: This is the ***halakha*, but** a public **ruling is not issued to that effect.** Consequently, the masses treated this matter with stringency. **And** Yosei ben Yo'ezer **came and instructed** the masses to follow the original **instruction** of the Torah. Therefore, his ruling was in fact a leniency.

תַּנְיָא נַמִי הָכִי, רַבִּי יְהוּדָה אוֹמֵר: קוֹרוֹת נָעַץ לָהֶם, וְאָמַר: עַד כָּאן רְשׁוּת הָרַבִּים, עַד כָּאן רְשׁוּת הַיָּחִיד. כִּי אָתוּ לְקַמֵּיהּ דְּרַבִּי יַנַּאי, אָמַר לְהוּ: הָא מַיָּא בְּשִׁיקְעֲתָא דִּבְנַהֲרָא, זִילוּ טְבוֹלוּ.

The Gemara provides support for Rabbi Yoḥanan's explanation. **This is also taught** in a *baraita*: **Rabbi Yehuda says** that Yosei ben Yo'ezer **drove stakes** into the ground **for** the people[N] **and said: Until here** is **the public domain,** and **until there** is **the private domain,** so that they would know the *halakha* if they suspected that they had touched a corpse. The Gemara relates that **when** people **came before Rabbi Yannai** because they suspected that they might have come into contact with a source of impurity in the public domain, **he said to them:** Why involve yourselves in matters of uncertainty? **There is deep water in the river; go immerse** yourselves in it, and resolve the problem in this manner.

HALAKHA

While the second individual is in concurrent contact – בְּדִיקָרֵב בְּחִיבּוּרִין: By Torah law, one who touches another who came into contact with a corpse is rendered impure until the evening, regardless of whether or not there was concurrent contact between the corpse and the two individuals. By rabbinic law one who comes in contact with someone who is currently touching a corpse is rendered impure for seven days (Ra'avad; Ramban). *Tosafot* contend that this impurity applies by Torah law (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 5:2 and *Mishne LaMelekh* there).

Uncertain impurity contracted in a public domain – סְפֵק טוּמְאָה בִּרְשׁוּת הָרַבִּים: If one is uncertain as to whether or not he came into contact with an impure substance in the public domain, he is ritually pure (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 15:8).

NOTES

Empty pitchers – בּוּקֵי סְרִיקֵי: Some explain that Rava is refuting the opinion attributed to Rav Naḥman that one who touches an individual who is currently in contact with a corpse is rendered impure by Torah law, and the Sages decreed that this applies to one who touches another who is impure even after he has separated from the corpse. Instead, Rava contends that the concept of concurrent contact simply does not exist in *halakha*, neither with regard to rabbinic law nor with regard to Torah law (Ra'avad; Ramban). This is apparently in line with the conclusion of the discussion in tractate *Nazir* 42b.

Other commentaries understand both the Gemara here and the discussion in tractate *Nazir* differently. They explain that Rava is maintaining that while Rav Naḥman does accept the halakhic concept of concurrent contact, it is irrelevant to the discussion here, as Yosei ben Yo'ezer's ruling was issued with regard to cases of uncertain impurity contracted in a public domain (*Tosafot*).

Yosei ben Yo'ezer permitted for them uncertain impurity in a public domain – סְפֵק טוּמְאָה בִּרְשׁוּת הָרַבִּים הִתִּיר לָהֶן: Accordingly, Yosei ben Yo'ezer's ruling that one who touches a corpse is impure should be read as a statement of exclusion: Only one who is certain that he came in contact with a corpse in a public domain is rendered ritually impure; one who is uncertain of this fact remains pure (Rashi).

But didn't we learn this *halakha* from the case of a *sota* – וְהָא הִילְכְתָא מִסּוֹטָה גָּמְרִינַן לָהּ: The *halakhot* of the uncertain transmission of ritual impurity are derived from the *sota*, which is the paradigm of a situation in which there is uncertainty as to whether or not an individual has become defiled. Since a *sota* is rendered prohibited only if she secludes herself with another man in a private domain, in other cases too, one is rendered impure in a case of uncertainty only if the potential impurity was contracted in a private domain.

Yosei ben Yo'ezer drove stakes into the ground for the people – קוֹרוֹת נָעַץ לָהֶם: Yosei ben Yo'ezer defined clear boundaries for the public and private domains in that area. It should be noted that the definitions of these domains are different with respect to matters of ritual impurity than they are in other contexts, e.g., Shabbat. Whereas the status of public and private domains is usually determined by various legal and technical considerations, the sole relevant issue here, with regard to the *halakhot* of ritual purity, is whether or not people are frequently found in these locations. Therefore, a large expanse of privately owned property constantly used by the masses would be considered a public domain as far as impurity is concerned. Conversely, a space that is generally included within the boundaries of a public domain but is usually devoid of human presence would be considered a private domain for the purposes of these *halakhot*.

LANGUAGE

Pitchers [*bukei*] – בּוּקֵי: Probably derived from the Greek βῑκος, *bikos*, which is also a kind of container used for drinking. The phrase: Do not hang empty pitchers, may refer to the practice of hanging empty pitchers on trees in order to scare away birds.

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"וְהַשְּׁלָקוֹת". מְנָלַן מִילֵּי? אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן, אָמַר קְרָא: "אׇכֶל בַּכֶּסֶף תַּשְׁבִּרֵנִי וְאָכַלְתִּי וּמַיִם בַּכֶּסֶף תִּתֶּן לִי וְשָׁתִיתִי", כְּמַיִם – מַה מַּיִם שֶׁלֹּא נִשְׁתַּנּוּ, אַף אוֹכֶל שֶׁלֹּא נִשְׁתַּנָּה.

§ The mishna teaches: **And boiled** vegetables[H] prepared by gentiles are prohibited. The Gemara asks: **From where is this matter** derived? **Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says: The verse states** that when Moses asked Sihon, King of the Amorites, for passage through his land, he said: **"You shall sell me food for money, that I may eat; and give me water for money, that I may drink"** (Deuteronomy 2:28). By juxtaposing food and water, the verse teaches that food is **like water: Just as** Moses wished to purchase **water that was unchanged, so too,** he wished to purchase **food that was unchanged,** i.e., uncooked. Evidently, this is because foods cooked by gentiles are prohibited.

אֶלָּא מֵעַתָּה, חִטִּין וַעֲשָׂאָן קְלָיוֹת הָכִי נַמִּי דַּאֲסוּרִין! וְכִי תֵּימָא הָכִי נַמִּי, וְהָתַנְיָא: חִטִּין וַעֲשָׂאָן קְלָיוֹת – מוּתָּרִין! אֶלָּא כְּמַיִם – מַה מַּיִם שֶׁלֹּא נִשְׁתַּנּוּ מִבְּרִיָּתָן, אַף אוֹכֶל שֶׁלֹּא נִשְׁתַּנָּה מִבְּרִיָּתוֹ.

The Gemara raises a difficulty: **If that is so,** then in a case where a gentile had **wheat and made it** into **roasted grains**[H] by roasting it in the oven, the wheat should **also be prohibited,** as it was cooked. **And if you would say: Indeed** that is so, this cannot be the *halakha*, as **isn't it taught** in *baraita*: If a gentile had **wheat and made it** into **roasted grains,** it is **permitted?** The Gemara suggests a different explanation: **Rather,** food is **like water** in the following manner: **Just as** Moses wished to purchase **water that was not altered from its original state, so too,** he wished to purchase **food that was not altered from its original state.** Roasting wheat kernels does not alter their original state.

אֶלָּא מֵעַתָּה, חִטִּין וּטְחָנָן הָכִי נַמִּי דַּאֲסוּרִין! וְכִי תֵּימָא הָכִי נַמִּי – וְהָתַנְיָא: חִטִּין וַעֲשָׂאָן קְלָיוֹת – הַקָּמָחִים וְהַסְּפָלָתוֹת שֶׁלָּהֶן מוּתָּרִין! אֶלָּא כְּמַיִם – מַה מַּיִם שֶׁלֹּא נִשְׁתַּנּוּ מִבְּרִיָּתָן עַל יְדֵי הָאוּר, אַף אוֹכֶל שֶׁלֹּא נִשְׁתַּנָּה מִבְּרִיָּתוֹ עַל יְדֵי הָאוּר.

The Gemara raises another difficulty: **If that is so,** then if a gentile had **wheat and ground it** into flour, the flour should **also be prohibited,** as the wheat has been altered from its original state. **And if you would say: Indeed** that is so, this cannot be the case, as **isn't it taught** in *baraita*: If a gentile had **wheat and made it** into **roasted grains,** it is permitted; similarly, **flours and fine flours belonging to** gentiles **are permitted? Rather,** food is **like water** in the following manner: **Just as** Moses wished to purchase **water that was not altered from its original state by fire,**[N] **so too,** he wished to purchase **food that was not altered from its original state by fire.** Although wheat ground into flour is altered from its original state, this change is not accomplished by means of fire.

מִידֵּי אוּר כְּתִיב?

The Gemara raises a difficulty: **Is fire written** in the verse? There is no mention of fire in the verse at all. How can it be assumed that this is the similarity between water and food?

HALAKHA

Boiled vegetables – הַשְּׁלָקוֹת: The Sages prohibited the consumption of foods cooked by gentiles even where there is no concern that a non-kosher substance might have been absorbed in the food (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:9; *Shulḥan Arukh*, *Yoreh De'a* 113:1).

Wheat and made it into roasted grains – חִטִּין וַעֲשָׂאָן קְלָיוֹת: It is permitted to eat roasted grains prepared by gentiles (*Shulḥan Arukh*, *Yoreh De'a* 113:2, and in the comment of Rema, and see *Shakh* and *Beur HaGra* there).

NOTES

That was not altered from its original state by fire – שֶׁלֹּא נִשְׁתַּנּוּ מִבְּרִיָּתָן עַל יְדֵי הָאוּר: Some commentaries maintain that the Gemara is referring exclusively to a change that renders an inedible substance edible through cooking (Rashba). Most commentaries contend that the Gemara is referring to any alteration of a substance's original form by fire. There are some who claim that it refers to any permanent, irreversible change.

Perek **II**
Daf **38** Amud **a**

אֶלָּא מִדְּרַבָּנַן, וּקְרָא אַסְמַכְתָּא בְּעָלְמָא.

Rather, the cooking of gentiles is prohibited **by rabbinic law,**[N] **and the verse** is cited as **a mere support.**

אָמַר רַב שְׁמוּאֵל בַּר רַב יִצְחָק אָמַר רַב: כָּל הַנֶּאֱכָל כְּמוֹת שֶׁהוּא חַי – אֵין בּוֹ מִשּׁוּם בִּישׁוּלֵי גּוֹיִם. בְּסוּרָא מַתְנוּ הָכִי. בְּפוּמְבְּדִיתָא מַתְנוּ הָכִי, אָמַר רַב שְׁמוּאֵל בַּר רַב יִצְחָק אָמַר רַב: כָּל שֶׁאֵינוֹ נֶאֱכָל עַל שׁוּלְחַן מְלָכִים לְלַפֵּת בּוֹ אֶת הַפַּת – אֵין בּוֹ מִשּׁוּם בִּישׁוּלֵי גּוֹיִם.

The Gemara discusses the particulars of the prohibition against eating the cooking of gentiles. **Rav Shmuel bar Rav Yitzḥak says** that **Rav says: Any** item **that is eaten as it is,** i.e., **raw,**[H] **is not subject to** the prohibition against eating **the cooking of gentiles.** The Gemara remarks: **In** the study hall in **Sura, they taught it this** way. **In Pumbedita, they taught it like this: Rav Shmuel bar Rav Yitzḥak says** that **Rav says: Any** item **that is not eaten together with bread on the table of kings is not subject to** the prohibition against eating **the cooking of gentiles.** In other words, foods that are not eaten by distinguished individuals are not subject to this prohibition.

NOTES

Rather, the cooking of gentiles is prohibited by rabbinic law – אֶלָּא מִדְּרַבָּנַן: Rashi explains that the reason for this decree is to prevent Jews from becoming accustomed to dining with gentiles, which could lead them to eat non-kosher food. Others similarly claim that this is the difference between the prohibition against eating bread of gentiles and that of eating their cooking: Bread was prohibited due to the concern for intermarriage, whereas cooked foods were prohibited due to the concern for consumption of non-kosher substances (*Or Zarua*, citing Rashbam). Others claim that foods cooked by gentiles were also prohibited due to the concern for intermarriage (*Tosafot*).

HALAKHA

Any item that is eaten as it is, i.e., raw – כָּל הַנֶּאֱכָל כְּמוֹת שֶׁהוּא חַי: Since the prohibition against eating food cooked by a gentile is by rabbinic law, the *halakha* is to be lenient in accordance with both opinions in the Gemara (*Kesef Mishne*). Accordingly, food cooked by a gentile is prohibited only if it could not have been eaten raw and is eaten together with bread by distinguished individuals. The prohibition applies even if the food was prepared in a Jew's home with a Jew's vessels (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:14–15; *Shulḥan Arukh*, *Yoreh De'a* 113:1).

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מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ: דָּגִים קְטַנִּים, וְאַרְדֵי, וְדַיְיסָא.

The Gemara asks: **What** is the practical difference **between** these two opinions?[N] The practical difference **between them** is with regard to **small fish, mushrooms, and porridge.** These foods are not eaten raw, but they are not eaten by distinguished individuals. Consequently, these foods are prohibited according to the version taught in Sura, but permitted according to the version taught in Pumbedita.

אָמַר רַב אַסִי אָמַר רַב: דָּגִים קְטַנִּים מְלוּחִים – אֵין בָּהֶן מִשּׁוּם בִּישׁוּלֵי גּוֹיִם. אָמַר רַב יוֹסֵף: אִם צָלָאן גּוֹי – סוֹמֵךְ יִשְׂרָאֵל עֲלֵיהֶם מִשּׁוּם עֵירוּבֵי תַּבְשִׁילִין, וְאִי עָבְדִינְהוּ גּוֹי כָּסָא דְּהַרְסָנָא – אָסוּר.

Rav Asi says that **Rav says: Small, salted fish**[NH] **are not subject to** the prohibition of **the cooking of gentiles,** because they can be eaten raw. **Rav Yosef says: If a gentile roasted** these fish, **a Jew may rely**[N] **upon them for** use in the mitzva of **a joining of cooked foods,** which must be prepared in order to permit cooking for Shabbat on a Festival that occurs on a Friday. **And if a gentile made them** into ***kasa deharsena,*** a dish of fish fried in oil and flour, the dish is **prohibited.** In this case, since the flour had not been edible, it is considered the cooked food of a gentile.

פְּשִׁיטָא! מַהוּ דְּתֵימָא הַרְסָנָא עִיקָּר, קָא מַשְׁמַע לָן קִימְחָא עִיקָּר.

The Gemara asks: Isn't that **obvious?** What reason would there be to think that *kasa deharsena* prepared by a gentile is permitted? The Gemara answers: This is taught **lest you say** that the **salted fish,** which one is permitted to eat even if cooked by gentiles, is the **essential** component. Therefore, Rav Yosef **teaches us** that **the flour** is the **essential** component,[H] and the dish is therefore considered the cooked food of a gentile.

אָמַר רַב בְּרוּנָא אָמַר רַב: גּוֹי שֶׁהִצִּית אֶת הָאוּר בַּאֲגַם – כָּל הַחֲגָבִים שֶׁבָּאֲגַם אֲסוּרִין. הֵיכִי דָּמֵי? אִילֵימָא דְּלָא יָדַע הֵי טָהוֹר וְהֵי טָמֵא, מַאי אִירְיָא גּוֹי? אֲפִילּוּ יִשְׂרָאֵל נַמִי! אֶלָּא מִשּׁוּם בִּישׁוּלֵי גּוֹיִם,

Rav Beruna says that **Rav says:** In the case of **a gentile who ignited a fire in the meadow, all the locusts that** were burned **in the meadow are prohibited.** The Gemara asks: **What are the circumstances** of this case? **If we say** that the reason they are prohibited is **that one no** longer **knows which are kosher and which are non-kosher** as a result of their burning, **why** does Rav Beruna **specifically** discuss a case involving **a gentile? Even** if **a Jew** burned the meadow, they would **also** be prohibited for the same reason. **Rather,** this is referring to a case where all the locusts were kosher, and the prohibition is **due to the cooking of gentiles,** as the locusts were effectively cooked by a gentile.

כִּי הַאי גַּוְונָא מִי אֲסִיר? וְהָאָמַר רַב חָנָן בַּר אַמִּי אָמַר רַבִּי פְּדָת אָמַר רַבִּי יוֹחָנָן: הַאי גּוֹי דַּחֲרִיךְ רֵישָׁא – שָׁרֵי לְמֵיכַל מִינֵּיהּ אֲפִילּוּ מֵרִישׁ אוּפֵיהּ, אַלְמָא לְעַבּוּרֵי שֵׂעָר קָמִיכַּוֵּין, הָכָא נַמִי לְגַלּוּיֵי אַגְמָא קָא מִיכַּוֵּין!

The Gemara raises an objection: **Does anyone** actually **prohibit** the cooking of gentiles in **a case like this? But doesn't Rav Ḥanan bar Ami say** that **Rabbi Pedat says** that **Rabbi Yoḥanan says:** With regard to **this gentile who singed the head** of an animal,[H] **it is permitted to eat** part **of it, even from the tip of the ear,**[N] which is fully cooked? The Gemara remarks: **Evidently,** this is permitted because the gentile merely **intends to remove the hair** and not to cook the ears. **Here, too,** it ought to be permitted because he merely **intends to clear the meadow,** not to cook the locusts.

לְעוֹלָם דְּלָא יָדַע הֵי טָהוֹר וְהֵי טָמֵא, וּמַעֲשֶׂה שֶׁהָיָה – בְּגוֹי הָיָה.

The Gemara answers: **Actually,** this is referring to a case where there is a mixture of different types of locusts, and they are prohibited because one does **not know which are kosher and which are non-kosher. And** the reason Rav Beruna specified that the case involved a gentile is because **the incident that occurred** happened to have **occurred with** the involvement of **a gentile.**

NOTES

What is the practical difference between these two opinions, etc. – מַאי בֵּינַיְיהוּ וכו': Rashi maintains that all three foods listed here, small fish, mushrooms, and porridge, are not eaten raw nor by distinguished individuals. Some commentaries contend that the reverse is the case with regard to porridge: It is eaten raw in its granular form, but is also consumed by distinguished individuals when it has been spiced and flavored (Meiri).

Small, salted fish – דָּגִים קְטַנִּים מְלוּחִים: These are permitted even when cooked by gentiles because they can be eaten once they have been salted, even without having been cooked. According to some commentaries, this applies exclusively to fish salted by a Jew (*Tosafot*). Others contend that it makes no difference who salted the fish, as there is no prohibition against eating foods salted by a gentile (Ra'avad; Riaz).

If a gentile roasted these fish, a Jew may rely, etc. – אִם צָלָאן גּוֹי סוֹמֵךְ וכו': On a Festival that occurs on a Friday, it is prohibited to cook food for the upcoming Shabbat *ab initio*. To circumvent this prohibition, one may perform the ritual known as: A joining of cooked foods. This is performed by setting aside bread and a cooked food before the Festival and reserving them for Shabbat. One may then cook other food for Shabbat on the Festival, in addition to these foods.

Rav Yosef is teaching that although salted fish may be eaten if they were cooked by a gentile, they are still considered to have been cooked and can therefore be used in a joining of cooked foods.

Even from the tip of the ear – אֲפִילּוּ מֵרִישׁ אוּפֵיהּ: The rest of the animal's head will not be cooked in this process. The ears are likely to cook because they are constituted of soft, thin flesh. This *halakha* is in accordance with the principle that food cooked by a gentile who did not intend to do so is permitted.

HALAKHA

Small, salted fish – דָּגִים קְטַנִּים מְלוּחִים: Small fish that have been salted are permitted even if they were later cooked by a gentile, as they could have been eaten without having been cooked. This is the *halakha* regardless of whether the fish was salted by a Jew or a gentile (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:16; *Shulḥan Arukh*, *Yoreh De'a* 113:12).

The flour is the essential component – קִימְחָא עִיקָּר: With regard to the cooking of gentiles, the *halakha* of a cooked dish that includes some ingredients which are eaten raw and some which are not is dependent on the significance of those ingredients: If the primary ingredients can be eaten raw, the entire dish is permitted; if they cannot be eaten raw, the entire dish is prohibited (*Shulḥan Arukh*, *Yoreh De'a* 113:2).

Gentile who singed the head of an animal – גּוֹי דַּחֲרִיךְ רֵישָׁא: Food cooked by a gentile who did not intend to cook it is permitted, even if it would be served to kings (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:19; *Shulḥan Arukh*, *Yoreh De'a* 113:5).

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גּוּפָא, אֲמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: הַאי גּוֹי דַּחֲרִיךְ רֵישָׁא – שָׁרֵי לְמֵיכַל מִינֵּיהּ אֲפִילּוּ מֵרֵישׁ אוּנְיֵיהּ. אֲמַר רָבִינָא: הִלְכָךְ, הַאי גּוֹי דִּשְׁדָא סִיכְתָּא לְאַתּוּנָא, וְקַבַר בָּהּ יִשְׂרָאֵל קָרָא מֵעִיקָּרָא – שַׁפִּיר דָּמֵי. פְּשִׁיטָא! מַהוּ דְּתֵימָא: לְבַשּׁוּלֵי מָנָא קָא מִיכַּוֵּין, קָא מַשְׁמַע לָן: לְשָׁרוּרֵי מָנָא קָא מִיכַּוֵּין.

§ The Gemara addresses **the** matter **itself: Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** With regard to **this gentile who singed the head** of an animal, it is **permitted to eat** part **of it, even from the tip of the ear,** which is fully cooked. **Ravina said: Therefore,** with regard to **this gentile who threw** a moist **peg into the oven**[H] in order to dry it out and harden it, **and a Jew had** already **inserted a gourd** in the oven[N] **from the outset,** the gourd is **permitted,** even though it was in effect cooked by a gentile. The reason is that the gentile had no intention to cook the vegetable. The Gemara asks: Isn't that **obvious?** The Gemara answers: It was necessary to teach this, **lest you say** that the gentile **intends to cook the vessel,** i.e., the peg, by softening it. Therefore Ravina **teaches us** that **he intends** only **to harden the vessel.**[N]

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הִנִּיחַ יִשְׂרָאֵל בָּשָׂר עַל גַּבֵּי גֶּחָלִים, וּבָא גּוֹי וְהָפַךְ בּוֹ – מוּתָּר. הֵיכִי דָּמֵי? אִילֵימָא דְּאִי לָא הָפַךְ בֵּיהּ הֲוָה בְּשִׁיל – פְּשִׁיטָא! אֶלָּא לָאו דְּאִי לָא הָפַךְ לָא הֲוָה בְּשִׁיל – אַמַּאי מוּתָּר? בִּישׁוּלֵי שֶׁל גּוֹיִם נִינְהוּ!

§ The Gemara continues the discussion with regard to the cooking of gentiles by examining the *halakha* of meat cooked by both a gentile and a Jew. **Rav Yehuda says** that **Shmuel says:** If **a Jew placed meat**[H] **upon** flaming **coals and a gentile came and turned** the meat **over,** the meat is **permitted.** The Gemara asks: **What are the circumstances** of this case? **If we say that** it is a case where **if** the gentile **had not turned over** the meat **it would have cooked** anyway, it is **obvious** that the meat is permitted, as the gentile's actions did not actually alter the food. The Gemara suggests: **Rather, is it not** a case **where, if** the gentile **had not turned it over, it would not have cooked?** But if so, **why is it permitted?** In such a case, the meat **is** certainly considered to be **the cooking of gentiles** and ought to be prohibited.

לָא צְרִיכָא, דְּאִי לָא הָפַךְ הֲוָה בְּשִׁיל בְּתַרְתֵּי שָׁעֵי, וְהָשְׁתָּא קָא בְּשִׁיל בְּחָדָא שַׁעְתָּא; מַהוּ דְּתֵימָא: קָרוּבֵי בִּישׁוּלָא מִילְּתָא הִיא, קָא מַשְׁמַע לָן.

The Gemara explains: **No,** it is **necessary** to teach this *halakha* with regard to a case **where if** the gentile **had not turned over** the meat, **it would have cooked in two hours, and now** that he did turn it over, **it will cook in** only **one hour. Lest you say** that **hastening the cooking** process **is** a significant **matter,** and therefore food whose preparation is expedited by a gentile is prohibited, Ravina **teaches us** otherwise.

וְהָאָמַר רַבִּי אַסִּי אָמַר רַבִּי יוֹחָנָן: כָּל שֶׁהוּא כְּמַאֲכַל בֶּן דְּרוֹסַאי – אֵין בּוֹ מִשּׁוּם בִּישׁוּלֵי גּוֹיִם; הָא אֵינוֹ כְּמַאֲכַל בֶּן דְּרוֹסַאי – יֵשׁ בּוֹ מִשּׁוּם בִּשּׁוּלֵי גּוֹיִם!

The Gemara asks: **But doesn't Rabbi Asi say** that **Rabbi Yoḥanan says: Any** item **that** has been cooked **like the food of ben Derosai,**[HP] i.e., partially cooked so that it is just about edible, **is not subject to** the prohibition of **the cooking of gentiles? Consequently,** if **it is not** cooked **like the food of ben Derosai, it is subject to** the prohibition of **the cooking of gentiles.** Accordingly, meat whose cooking was expedited by a gentile ought to be prohibited, as this ruling includes cases where it had not been cooked like the food of ben Derosai at the time of the gentile's intervention.

הָתָם כְּגוֹן דְּאוֹתְבֵיהּ בְּסֵילְתָּא, וּשְׁקָלֵיהּ גּוֹי וְאוֹתְבֵיהּ בְּתַנּוּרָא.

The Gemara answers: **There,** Rabbi Asi was referring to a case **where** the Jew **had placed** the meat that was not yet cooked like the food of ben Derosai **in a basket**[N] where it would not have cooked at all, **and a gentile took it and placed it in the oven.** Rabbi Asi was teaching that in such a case, when the current cooking process has yet to begin, the meat is prohibited if it had not already been cooked like the food of ben Derosai. By contrast, in the case addressed by Rabbi Yehuda, the meat was already cooking and the gentile's actions hastened the process, but did not initiate it. In other words, the issue of cooked food like the food of ben Derosai is relevant only if the gentile takes a dish that is not being cooked at present.

תַּנְיָא נַמִּי הָכִי: מַנִּיחַ יִשְׂרָאֵל בָּשָׂר עַל גַּבֵּי גֶּחָלִים, וּבָא גּוֹי וּמְהַפֵּךְ בּוֹ עַד שֶׁיָּבֹא יִשְׂרָאֵל מִבֵּית הַכְּנֶסֶת אוֹ מִבֵּית הַמִּדְרָשׁ, וְאֵינוֹ חוֹשֵׁשׁ; שׁוֹפֶתֶת אִשָּׁה קְדֵירָה עַל גַּבֵּי כִּירָה, וּבָאת גּוֹיָה

The Gemara adds: **This is also taught** in a *baraita*: **A Jew may place meat on** hot **coals and** let **a gentile come and turn it over** as necessary **until the Jew comes** back **from the synagogue or from the study hall, and** the Jew need **not be concerned** for the prohibition of eating cooking of gentiles. Similarly, a Jewish **woman may set a pot upon the stove and** let **a gentile woman come**

HALAKHA

This gentile who threw a moist peg into the oven – הַאי גּוֹי דִּשְׁדָא סִיכְתָּא לְאַתּוּנָא: If a gentile intended to cook a particular food and incidentally cooked a different food in the process, the second food is also prohibited. This *halakha* is inferred from Ravina's statement (*Shulḥan Arukh*, *Yoreh De'a* 113:5 and *Be'er HaGola* there).

If a Jew placed meat, etc. – הִנִּיחַ יִשְׂרָאֵל בָּשָׂר וכו': If a Jew contributed even slightly to the cooking process of a substance cooked by a gentile, it is permitted, even if it was mostly cooked by the gentile. Accordingly, if a gentile placed meat on a grill and a Jew turned it over, the meat is permitted.

The Rema writes that this is the *halakha* even if the food would not have been cooked without the gentile's involvement. Many commentaries are perplexed by this statement because it apparently contradicts the Gemara here (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:16; *Shulḥan Arukh*, *Yoreh De'a* 113:6, and see *Taz* and *Shakh* there).

Any item that has been cooked like the food of ben Derosai – כָּל שֶׁהוּא כְּמַאֲכַל בֶּן דְּרוֹסַאי: If a Jew placed a pot on the fire and later removed it, after which a gentile set it on the fire once more, the contents of the pot are subject to the prohibition against eating the cooking of a gentile unless they had already been cooked to the extent of the food of ben Derosai when the Jew took it off the fire (*Shulḥan Arukh*, *Yoreh De'a* 113:8).

NOTES

And a Jew had already inserted a gourd in the oven – וְקַבַר בָּהּ יִשְׂרָאֵל קָרָא: This is referring to a case where the oven was not hot enough to cook the gourd without the intervention of a gentile. Otherwise the gourd would be certainly be permitted, as explained in the subsequent discussion of the Gemara.

He intends only to harden the vessel – לְשָׁרוּרֵי מָנָא קָא מִיכַּוֵּין: The early commentaries explain the Gemara here based on *Shabbat* 74b, where it is stated that there are two stages involved in heating a moist wooden object: First, the item is softened due to the liquid released as its temperature rises; second, it hardens as that moisture dries up and evaporates. The first stage of this process is considered cooking, to the extent that it is prohibited on Shabbat. The Gemara here is teaching that although hardening a wooden peg necessarily involves a process defined as cooking, it is nevertheless permitted for a Jew to eat a food in the oven that cooked as a result of being in the oven with the peg which a gentile heated (*Tosafot*; Ramban; see Rashi and Rid).

In a basket [*besilta*] – בְּסֵילְתָּא: Rashi writes that this refers to a basket into which the uncooked food was placed. Others write that the Gemara is referring to a piece of wood that was partially inside the oven, while the meat was set on the outer section (Ra'avad). Alternatively, it means a wooden skewer (Rid).

PERSONALITIES

Ben Derosai – בֶּן דְּרוֹסַאי: Ben Derosai was the name, or nickname, of a man who lived in Eretz Yisrael in the time of Rabbi Yoḥanan. The commentaries label him as a bandit, and in the Jerusalem Talmud it is indicated that he was prone to violence. Not surprisingly he was constantly on the move, in an effort to escape his pursuers. As a result, he would be unable to spare the necessary time to cook his foods fully, and instead cooked them just enough to render them edible before continuing his flight.

Notwithstanding all of the above, ben Derosai would apparently comply with the Sages with regard to ritual matters, and they were evidently familiar with him. Therefore, they cite him as the example of one who eats partially cooked food.

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וּמְגִיסָה עַד שֶׁתָּבֹא מִבֵּית הַמֶּרְחָץ אוֹ מִבֵּית הַכְּנֶסֶת, וְאֵינָהּ חוֹשֶׁשֶׁת.

and stir it until she comes back **from the bathhouse or from the synagogue, and** she need **not be concerned.**

אִיבַּעֲיָא לְהוּ: הִנִּיחַ גּוֹי וְהָפַךְ יִשְׂרָאֵל, מַהוּ? אֲמַר רַב נַחְמָן בַּר יִצְחָק: קַל וָחוֹמֶר, גְּמָרוֹ בְּיַד גּוֹי מוּתָּר, גְּמָרוֹ בְּיַד יִשְׂרָאֵל לֹא כָּל שֶׁכֵּן?

A dilemma was raised before the Sages: If **a gentile placed** meat on a fire **and a Jew turned it over, what is** the *halakha*? **Rav Naḥman bar Yitzḥak said:** The *halakha* can be derived by **an *a fortiori*** inference:[N] If the meat is **permitted** when it **finished** cooking **by the hand of a gentile,** then where **it finished** cooking **by the hand of a Jew, all the more so** is it **not** clear that it should be permitted?

אִיתְּמַר נַמִּי: אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן, וְאָמְרִי לָהּ אָמַר רַב אַחָא בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: בֵּין שֶׁהִנִּיחַ גּוֹי וְהָפַךְ יִשְׂרָאֵל, בֵּין שֶׁהִנִּיחַ יִשְׂרָאֵל וְהָפַךְ גּוֹי – מוּתָּר, וְאֵינוֹ אָסוּר עַד שֶׁתִּהֵא תְּחִלָּתוֹ וּגְמָרוֹ בְּיַד גּוֹי.

Along these lines, it **was also stated: Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says, and some say Rav Aḥa bar bar Ḥana says** that **Rabbi Yoḥanan says: Whether** the **gentile placed**[H] the meat on the fire **and** the **Jew turned** it **over,** or **whether** the **Jew placed** the meat on the fire **and** the **gentile turned** it **over,** the meat is **permitted, and it is not prohibited unless its** cooking from **beginning** to **end** was performed **by the hand of a gentile.**

אָמַר רָבִינָא, הִלְכְתָא: הָא רִיפְתָּא דְּשִׁגַּר גּוֹי וַאֲפָהּ יִשְׂרָאֵל, אִי נַמִּי שִׁגַּר יִשְׂרָאֵל וַאֲפָהּ גּוֹי, אִי נַמִּי שִׁגַּר גּוֹי וַאֲפָהּ גּוֹי וַאֲתָא יִשְׂרָאֵל וְחָתָה בָּהּ חַתּוּיֵי – שַׁפִּיר דָּמֵי.

Ravina says: The *halakha* is that **this bread** baked in an oven **that a gentile lit**[H] **and a Jew** subsequently **baked,** or, **alternatively,** if **a Jew lit** the oven **and a gentile baked,** or, **alternatively,** even if **a gentile lit, and a gentile baked, and a Jew came and stoked** the coals to heat the fire, it is **permitted,** as the act of the Jew speeds up the baking process.

דָּג מָלִיחַ – חִזְקִיָּה שָׁרֵי, וְרַבִּי יוֹחָנָן אֲסַר. בֵּיצָה צְלוּיָה – בַּר קַפָּרָא שָׁרֵי, וְרַבִּי יוֹחָנָן אֲסַר. כִּי אֲתָא רַב דִּימִי אֲמַר: אֶחָד דָּג מָלִיחַ וְאֶחָד בֵּיצָה צְלוּיָה – חִזְקִיָּה וּבַר קַפָּרָא שָׁרוּ, וְרַבִּי יוֹחָנָן אֲסַר.

The Gemara continues: With regard to **fish salted** by a gentile,[NH] **Ḥizkiyya deems** it **permitted, and Rabbi Yoḥanan deems** it **prohibited.** As for **an egg roasted** by a gentile, **bar Kappara deems** it **permitted and Rabbi Yoḥanan deems** it **prohibited. When Rav Dimi came** from Eretz Yisrael to Babylonia, he **said:** With regard to **both salted fish and roasted eggs, Ḥizkiyya and bar Kappara deem** them **permitted** them even if they were prepared by a gentile, **and Rabbi Yoḥanan deems** them **prohibited.**

רַבִּי חִיָּיא פַּרְוָואָה אִיקְלַע לְבֵי רֵישׁ גָּלוּתָא, אֲמַרוּ לֵיהּ: בֵּיצָה צְלוּיָה מַאי? אֲמַר לְהוּ: חִזְקִיָּה וּבַר קַפָּרָא שָׁרוּ, וְרַבִּי יוֹחָנָן אֲסַר, וְאֵין דִּבְרֵיהֶן שֶׁל אֶחָד בִּמְקוֹם שְׁנַיִם. אֲמַר לְהוּ רַב זְבִיד: לָא תְּצִיתוּ לֵיהּ, הָכִי אֲמַר אַבַּיֵי: הִלְכְתָא כְּוָותֵיהּ דְּרַבִּי יוֹחָנָן. אַשְׁקְיוּהוּ נְגוֹטָא דְּחַלָּא וְנָח נַפְשֵׁיהּ.

The Gemara relates a relevant incident. **Rabbi Ḥiyya of Parva arrived at the home of the Exilarch,** whose attendants **said to him:** With regard to **an egg roasted**[NH] by a gentile, **what** is the *halakha*? Rabbi Ḥiyya **said to them: Ḥizkiyya and bar Kappara deem** it **permitted, and Rabbi Yoḥanan deems** it **prohibited, and the statement of one** Sage has **no** standing **in a place** where it is contradicted by **two,** i.e., the *halakha* is not in accordance with the opinion of Rabbi Yoḥanan because he is in the minority. **Rav Zevid said to them: Do not listen to him,** as **this** is what **Abaye said: The *halakha*** is **in accordance with** the opinion **of Rabbi Yoḥanan.** Due to the stringency Rav Zevid sought to impose, the attendants **gave** Rav Zevid **a cup** [***negota***][L] **of** spiced **vinegar to drink, and he died** as a result.

NOTES

***A fortiori* inference – קַל וָחוֹמֶר:** The prohibition against eating food cooked by a gentile is due to the concern for intermarriage that might result from increased friendship. When a gentile completes the cooking process himself there is greater concern for bonding, as the gentile has provided the Jew with direct benefit. Accordingly, if the food is permitted even when a gentile completes the cooking process, it is certainly permitted when a Jew does so (Ramban).

Fish salted by a gentile – דָּג מָלִיחַ: Rashi explains that the Gemara is referring to a case where a gentile rendered the fish edible by salting it. Accordingly, the dispute is whether or not salting is considered cooking in this context. According to Rabbi Yoḥanan, salting is considered cooking, as it renders the food edible, and therefore the fish is prohibited; according to Ḥizkiyya, the fish is subject to the prohibition against eating the cooking of a gentile only if it was rendered edible through heat, and consequently it is permitted in this case.

The majority of the early commentaries reject this interpretation and hold that there is no evidence to support the notion that salting can be considered cooking. They explain that the Gemara is referring to a large fish that was rendered barely edible after it had been salted, and was later roasted by a gentile. The dispute concerns the extent to which a food must be edible for it to no longer be subject to this prohibition: According to Rabbi Yoḥanan, a food is excluded from the prohibition only if it is properly edible, and the fish is therefore prohibited because it became edible only once the gentile cooked it, whereas Ḥizkiyya maintains a food is excluded from the prohibition as soon as it is technically edible, and as the fish was roasted after it became edible, it is permitted (Ra'avad; Rid; Rabbeinu Tam).

Egg roasted – בֵּיצָה צְלוּיָה: According to many commentaries, the justification for permitting an egg roasted by a gentile is that theoretically it could be eaten raw (Ra'avad; Ramban). Rashi explains that because the edible part of the egg is confined within the shell, and as it is not actually touched in the cooking process, it is permitted according to Ḥizkiyya and bar Kappara. Others suggest that as an egg requires minimal cooking, it is not subject to the prohibition at all (*Torat Ḥayyim*).

LANGUAGE

Cup [*negota*] – נְגוֹטָא: From the Aramaic *negoda*, meaning a drinking cup.

HALAKHA

Whether the gentile placed, etc. – בֵּין שֶׁהִנִּיחַ גּוֹי וכו': Any food that was cooked with the aid of a Jew at any of its stages is permitted. Therefore, if a gentle placed a pot on the stove and a Jew simply stirred its contents, they are permitted. This *halakha* is in accordance with the statement of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:16; *Shulḥan Arukh*, *Yoreh De'a* 113:6).

Bread baked in an oven that a gentile lit, etc. – רִיפְתָּא דְּשִׁגַּר גּוֹי וכו': If a Jew contributed to the cooking process by lighting the fire, stirring the food, or even by adding a piece of wood to the flame, the food is permitted, as stated by Ravina. The *Shulḥan Arukh* writes that lighting an oven's fire is effective only in the case of bread. With regard to other foods, a Jew must actually place the pot upon the flame.

The Rema notes that other commentaries reject this opinion and contend that lighting or reinforcing the fire is sufficient to permit the food in all cases. He adds that this is the accepted practice in his community. Some are more lenient still and rule that even if a gentile lit the stove and cooked the food himself it is still permitted, provided that he lit it with a flame kindled by a Jew (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:13; *Shulḥan Arukh*, *Yoreh De'a* 112:9, 113:7).

Fish salted by a gentile – דָּג מָלִיחַ: A fish that was salted or smoked by a gentile is permitted, as neither of these processes is considered cooking in this context. The *halakha* is in accordance with the majority opinion of Ḥizkiyya and bar Kappara, not the minority opinion of Rabbi Yoḥanan, especially as Ḥizkiyya was Rabbi Yoḥanan's own teacher. Abaye's ruling is understood as referring exclusively to a roasted egg (*Kesef Mishne*).

The *Shulḥan Arukh* notes that large salted fish are rarely eaten in that state, and therefore they are prohibited if they were roasted by a gentile, in accordance with the Ra'avad's explanation of Abaye's statement (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:17; *Shulḥan Arukh*, *Yoreh De'a* 113:12–13).

Egg roasted – בֵּיצָה צְלוּיָה: Although eggs can theoretically be eaten raw, they are prohibited if they were roasted by a gentile. The reason is that Abaye rules in accordance with the opinion of Rabbi Yoḥanan in this regard (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:14; *Shulḥan Arukh*, *Yoreh De'a* 113:14).

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תָּנוּ רַבָּנַן: הַקַּפְרִיסִין, וְהַקַּפְלוֹטוֹת, וְהַמַּטְלְיָא, וְהַחַמִּין, וְהַקָּלְיוֹת שֶׁלָּהֶן – מוּתָּרִין, בֵּיצָה צְלוּיָה – אֲסוּרָה; שֶׁמֶן – רַבִּי יְהוּדָה הַנָּשִׂיא וּבֵית דִּינוֹ נִמְנוּ עָלָיו וְהִתִּירוּהוּ.

§ The Gemara continues to discuss the halakhic status of various foods with regard to the prohibition against eating the cooking of gentiles. **The Sages taught** in a *baraita*: **Caper buds** [***kafrisin***],[LN] **and leeks**[H] [***kaflotot***],[L] **and *matalya*, and hot water, and roasted grains** that **belong to** gentiles and were cooked by them **are permitted. An egg roasted** by a gentile is **prohibited.** With regard to **oil, Rabbi Yehuda HaNasi and his court were counted,** i.e., voted **on** the matter, **and permitted it.**

תַּנְיָא: הֵיא הַמַּטְלְיָא הֵיא פַּשַׁלְיָא הִיא שִׁיעֵתָא. מַאי שִׁיעֵתָא? אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: הָא אַרְבְּעִין שְׁנִין דְּנָפֵיק הַאי עוֹבָדָא מִמִּצְרַיִם, וְרַבָּה בַּר בַּר חָנָה דִּידֵיהּ אֲמַר: הָא שִׁתִּין שְׁנִין דְּנָפֵיק הַאי עוֹבָדָא מִמִּצְרַיִם; וְלָא פְּלִיגִי, מָר בִּשְׁנֵיהּ וּמָר בִּשְׁנֵיהּ.

It **is taught** in a *baraita*: ***Matalya* is** the same as the **black-eyed pea** [***pashalya***],[L] which **is** also called ***shiata*. What is *shiata*? Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: It is forty years since this item emerged from Egypt** and was imported here. **And Rabba bar bar Ḥana himself said: It is sixty years since this item emerged from Egypt** and was imported here. The Gemara remarks: **And** they **do not disagree,** as one **Sage** issued his statement **in his year, and** the other **Sage** issued it **in his year.** Whereas sixty years had passed by the time of Rabba bar bar Ḥana, only forty had elapsed when Rabbi Yoḥanan issued his statement.

מְיִיתוּ בִּיזְרָא דְּכַרְפָּסָא וּבִיזְרָא דְּכִיתָּנָא וּבִיזְרָא דְּשַׁבְלִילְתָּא, וְתָרוּ לְהוּ בַּהֲדֵי הֲדָדֵי בְּפִשּׁוּרֵי וְשָׁבְקוּ לֵיהּ עַד דְּמָקַבֵּל. וּמַיְיתֵי חַצְבֵי חֲדָתֵי וּמָלוּ לְהוּ מַיָּא, וְתָרוּ בְּהוּ גַּרְגִּישְׁתָּא וּמְדַבְּקִין בֵּיהּ, וְעָיְילִין לְבֵי בָּנֵי, אַדְּנָפְקוּ מְלַבְלְבִי, וְאָכְלִי מִינַּיְיהוּ, וְקָיְירִי מִבֵּינָתָא דְּרֵישַׁיְיהוּ עַד טוּפְרָא דְּכַרְעַיְיהוּ. אֲמַר רַב אַשִׁי, אֲמַר לִי רַבִּי חֲנִינָא: מִילִּין, וְאָמְרִי לָהּ: בְּמִילִּין.

The Gemara describes the preparation of *shiata*. **They take parsley seeds and flax root and fenugreek**[B] **root, and soak them together in lukewarm** water, **and leave them until they sprout. And** then **they take new earthenware pots, and fill them** with **water, and soak red clay** [***gargishta***][L] **in them, and** then **stick** the seeds and roots **in** the clay. **And** after that **they go to the bathhouse, and by the time they come out,** the plants have **blossomed, and they eat from them. And** as they eat them, **they cool** down from the heat of the bathhouse **from the hair of their head until the toenails of their feet. Rav Ashi says: Rabbi Ḥanina said to me:** These are mere **words,** i.e., this is false, as it is impossible for the plants to blossom so quickly. **And some say:** This was performed **by means of** magic **words** that caused the plants to grow faster.

LANGUAGE

Caper buds [*kafrisin*] – קַפְרִיסִין: From the Greek **κάππαρις**, *kapparis*, meaning caper bush or fruit of the caper bush.

Flower and fruit of the caper bush

Leeks [*kaflotot*] – קַפְלוֹטוֹת: From the Greek **κεφαλωτόν**, *kefaloton*, which literally means headed or with a head, a description assigned to several plants and animals. The Sages use the term primarily in reference to leeks, which have a noticeable and prominent head.

Black-eyed pea [*pashalya*] – פַּשַׁלְיָא: An alternative version of the text reads: *Pesiliya* (*Arukh*). Either way, it comes from the Greek **φάσηλος**, *fasēlos*, a kind of legume that is still eaten nowadays, *Vigna sinesis*. It is more commonly known as the black-eyed pea.

Red clay [*gargishta*] – גַּרְגִּישְׁתָּא: This is an Aramaic word whose primary meaning is earth used in seals, similar to the Arabic جرجس, *jirjis*. This was a high-quality type of earth used to seal letters or packages.

HALAKHA

Caper buds and leeks – הַקַּפְרִיסִין וְהַקַּפְלוֹטוֹת: Pickled caper buds and leeks are permitted, in accordance with the ruling of the *baraita* cited here, provided that they were taken from the storehouse. Those that are sold in the store are prohibited due to the concern that they might have been sprinkled with wine, as stated in the *baraita* on 40b (*Shulḥan Arukh*, *Yoreh De'a* 114:8).

NOTES

Caper buds – קַפְרִיסִין: Rashi explains that the buds of the caper bush and leeks are eaten raw and therefore are not subject to the prohibition against eating the cooking of gentiles. The Rid writes that he is unaware of anyone who eats raw caper buds, and therefore suggests that these were salted beforehand. Others explain this ruling in light of a *baraita* cited on 40b, which discusses the status of caper buds with regard to the concern that they might have been sprinkled with the wine of gentiles. Accordingly, the caper buds mentioned here are permitted because they were taken from a storehouse rather than a shop.

BACKGROUND

Fenugreek – שַׁבְלִילְתָּא: Usually called *tiltan* by the Sages, fenugreek is a legume from the Fabaceae family, *Trigonella Foenum-graecum*. It grows to less than 1 m in height, has furry, hollow stalks, and sprouts triangular, light-green leaves and white flowers. The fruit grows in thin pods up to 15 cm in size, which contain flat seeds of roughly 5 mm. Fenugreek is usually cultivated for its seeds, which are eaten and utilized in the preparation of many seasonings. Its young stalks are also used as seasoning. It originates from the Mediterranean, but is now cultivated in many places. In previous eras fenugreek was also utilized medicinally as a cure for various illnesses; nowadays, it is used in this fashion primarily for the treatment of animals. In various countries fenugreek is used as fodder as well as fertilizer. The plant is typically cultivated in heavy soil, although a wild strain has also developed in certain regions.

Fenugreek

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תָּנוּ רַבָּנַן: הַכּוּסְפָּן שֶׁל גּוֹיִם שֶׁהוּחֲמוּ חַמִּין, בְּיוֹרָה גְּדוֹלָה – אָסוּר, בְּיוֹרָה קְטַנָּה – מוּתָּר. וְאֵיזוֹ הִיא יוֹרָה קְטַנָּה? אָמַר רַבִּי יַנַּאי: כָּל שֶׁאֵין צִפּוֹר דְּרוֹר יָכוֹל לִיכָּנֵס בְּתוֹכָהּ.

§ **The Sages taught** in a *baraita*: The *halakha* with regard to **date husks** [*kuspan*][L] that **belong to gentiles**[NH] and **that were heated in hot water** depends on the size of the pot in which they were prepared: If they were cooked **in a large pot** they are **prohibited,** as prohibited foods are often cooked in large pots; if they were cooked **in a small pot** they are **permitted,** because non-kosher foods, which are usually large, are not generally cooked in these pots and it is therefore reasonable to assume that the pot has not absorbed a prohibited substance. The Gemara asks: **And what is a small pot? Rabbi Yannai says:** It is **any** pot **that** is so small that **a swallow cannot enter into it.**

וְדִלְמָא אַדַּמּוּיֵי אַדַּמּוּהּ וְעַיּוֹלֵי! אֶלָּא, כָּל שֶׁאֵין רֹאשׁ צִפּוֹר דְּרוֹר יָכוֹל לִיכָּנֵס בְּתוֹכָהּ.

The Gemara challenges: **But** even if non-kosher foods are not generally cooked in pots of this size, **perhaps they sliced** the food into smaller pieces **and inserted them** into the small pot. Since large non-kosher foods can be cooked in small pots once they have been sliced, the concern should apply to these pots as well. The Gemara accepts this point and amends Rabbi Yannai's definition: **Rather,** a small pot is **any** pot **that** is so small that **a swallow's head cannot enter into it.** Such small pots would not be used to cook even sliced non-kosher foods.

וְהָתַנְיָא: אַחַת יוֹרָה גְּדוֹלָה וְאַחַת יוֹרָה קְטַנָּה – מוּתָּר! לָא קַשְׁיָא, הָא כְּמַאן דְּאָמַר: נוֹתֵן טַעַם לִפְגָם אָסוּר, הָא כְּמַאן דְּאָמַר: נוֹתֵן טַעַם לִפְגָם מוּתָּר.

The Gemara raises a difficulty: **But** in any case, **isn't it taught** in a *baraita* that food cooked in **both a large pot and a small pot is permitted?** This directly contradicts the *baraita* cited here, which permits only food cooked in a small pot. The Gemara answers: It is **not difficult; this** first *baraita* cited above is written **in accordance with the one who says:** A prohibited substance that **imparts flavor to** the **detriment** of the mixture[N] is **prohibited,** whereas **that** *baraita* mentioned here is written **in accordance with the one who says:** A prohibited substance that **imparts flavor to** the **detriment** of the mixture is **permitted.**

אָמַר רַב שֵׁשֶׁת: הַאי מִישְׁחָא שְׁלִיקָא דְּאַרְמָאֵי – אָסוּר. אָמַר רַב סָפְרָא: לְמַאי נֵיחוּשׁ לָהּ? אִי מִשּׁוּם אִיעֲרוּבֵי – מֵיסְרָא סָרֵי, אִי מִשּׁוּם בִּישׁוּלֵי גּוֹיִם – נָאֵכֶל הוּא כְּמוֹ שֶׁהוּא חַי, אִי מִשּׁוּם גִּיעוּלֵי גּוֹיִם – נוֹתֵן טַעַם לִפְגָם הוּא וּמוּתָּר!

Rav Sheshet said: This oil that was **cooked**[N] **by an Aramean**[H] is **prohibited. Rav Safra** rejected this ruling and **said: With regard to what** need we **be concerned? If** it is **due to** the concern that it might have been **mixed** with wine used for an idolatrous libation, this cannot be correct, as wine **ruins** oil and therefore gentiles would not mix them together. **If** it is **due to** the prohibition against eating **the cooking of gentiles,** this also cannot be true because oil **is eaten as it is,** i.e., **raw.** And **if** it is **due to** the oil being cooked in vessels of **gentiles** that require **purging** on account of the prohibited taste they have absorbed, and now the forbidden flavor from the vessel is in the food, this concern is also invalid as the absorbed substance **is** one that **imparts flavor to** the **detriment** of the mixture, **and** in this case the mixture is **permitted.**

בָּעוּ מִינֵּיהּ מֵרַבִּי אַסִי: הָנֵי אֲהִינֵי שְׁלִיקֵי דְּאַרְמָאֵי מַאי? חוּלְיָיךְ לָא תִּיבָּעֵי לָךְ – דְּוַדַּאי שָׁרוּ, מְרִירֵי לָא תִּיבָּעֵי לָךְ – דְּוַדַּאי אֲסִירִי, כִּי תִּיבָּעֵי לָךְ – מְצִיעָאֵי מַאי? אָמַר לְהוּ: מַאי תִּיבָּעֵי לְהוּ? דְּרַבִּי אָסַר, וּמַנּוּ? לֵוִי.

The Sages **raised a dilemma before Rabbi Asi:** With regard to **these boiled dates** [*ahinei*][LNH] **of an Aramean, what** is the *halakha*? The Gemara interjects: **Do not raise the dilemma** with regard to **sweet** dates, **as they are certainly permitted,** since they can be eaten raw. Similarly, **do not raise the dilemma** with regard to **bitter** dates, **as they are certainly prohibited,** since they are rendered edible through cooking. Rather, **let the dilemma be raised** with regard to dates whose flavor is **moderate,** neither sweet nor bitter. **What** is the *halakha*? Rabbi Asi **said to them: What is your dilemma?** The *halakha* is clear, **as my teacher prohibited** such dates. The Gemara asks: **And who** was the Rabbi Asi's teacher? **Levi.**

LANGUAGE

Date husks [*kuspan*] – כּוּסְפָּן: Some maintain that this word is derived from the Akkadian word *kuspu*, which would mean that it has a Semitic root.

Dates [*ahinei*] – אֲהִינֵי: Apparently from a Syriac-Aramaic word which means unripe dates. The Gemara might be referring to a kind of date that never ripens and can be rendered edible only by means of human intervention through cooking.

NOTES

Date husks [*kuspan*] that belong to gentiles, etc. – כּוּסְפָּן שֶׁל גּוֹיִם וכו׳: Rashi explains that these are the remnants of dates after they were made into wine, which are boiled before being consumed. Others add that a beverage was made from date husks soaked in scalding hot water (Meiri). Alternatively, the term *kuspan* refers to the residue left behind after sesame seeds have been crushed for their oil. This residue contains traces of oil that cannot be removed by conventional means, and it was therefore boiled to extract this oil (Rabbeinu Ḥananel).

Prohibited substance that imparts flavor to the detriment of the mixture – נוֹתֵן טַעַם לִפְגָם: The *halakha* is that a vessel which has not been used in the last twenty-four hours imparts only detrimental flavor to whatever is cooked in it. It is assumed that this particular pot was not used to cook food in the last twenty-four hours, unless it is known otherwise (see 67b), and the food is therefore permitted according to the second *baraita*. Some commentaries have also suggested that there is a compound uncertainty here, and the *halakha* is lenient in such cases. It is uncertain whether or not this pot was used in the last twenty-four hours, and even if it was used, it is uncertain whether the food cooked in it gives a flavor that enhances the taste of the mixture (Ra'avad; see *Tosafot*).

Oil that was cooked – מִישְׁחָא שְׁלִיקָא: Rabbi Yehuda HaNasi's ruling that oil of gentiles is permitted did not include cooked oil.

Dates [*ahinei*] – אֲהִינֵי: Rashi explains that these are dates. He is possibly referring to a kind of date that does not ripen fully while it is on the tree. Others state that these are unripe dates (Rabbeinu Ḥananel).

HALAKHA

Date husks that belong to gentiles – כּוּסְפָּן שֶׁל גּוֹיִם: Date husks that belong to gentiles and have been boiled are permitted regardless of the kind of pot in which they were boiled. The reason is that a prohibited substance that that imparts flavor to the detriment of the mixture is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:24; *Shulḥan Arukh*, *Yoreh De'a* 114:7).

Oil that was cooked by an Aramean – מִישְׁחָא שְׁלִיקָא דְּאַרְמָאֵי: The oil of gentiles is permitted even if it was cooked by them, in accordance with the opinion of Rav Safra (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:22; *Shulḥan Arukh*, *Yoreh De'a* 114:7).

Boiled dates, etc. – אֲהִינֵי שְׁלִיקֵי וכו׳: Bitter dates that are barely edible without being cooked are prohibited if they were cooked by a gentile, in accordance with Levi's ruling cited by Rabbi Asi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:20; *Shulḥan Arukh*, *Yoreh De'a* 113:15).

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NOTES

Shetita'a **– שְׁתִיתָאָה:** Rashi explains that this is a kind of food prepared from different types of roasted seeds and grains. These were first roasted until they were sweetened, and subsequently made into a dish. It was already stated previously that roasted grains themselves are permitted, as they can be eaten raw (see Jerusalem Talmud). The concern here is that prohibited vinegar might have been added to them to temper their sweetness.

LANGUAGE

Shetita'a **– שְׁתִיתָאָה:** Some suggest that this word comes from the Syriac *sheḥatita*, a dish made of roasted unripe grains or lentils that are picked while they are still moist and then dried in an oven. This process causes them to sweeten.

שְׁתִיתָאָה – רַב שָׁרֵי, אֲבוּהּ דִּשְׁמוּאֵל וְלֵוִי אָסְרִי. בְּחִטֵּי וְשַׂעֲרֵי – כּוּלֵּי עָלְמָא לָא פְּלִיגִי דְּשָׁרֵי, בְּטַלְפְּחֵי דְּחַלָּא – כּוּלֵּי עָלְמָא לָא פְּלִיגִי דַּאֲסִיר, כִּי פְּלִיגִי – בְּטַלְפְּחֵי דְּמַיָּא, מָר סָבַר: גָּזְרִינַן הָא אַטּוּ הָא, וּמָר סָבַר: לָא גָּזְרִינַן.

§ With regard to ***shetita'a,***[NL] a sweet porridge made from roasted grains and honey, **Rav deemed** it **permitted** even when it was prepared by a gentile, whereas **Shmuel's father and Levi deemed** it **prohibited.** The Gemara elaborates: **With regard to** *shetita'a* made of **wheat or barley, everyone agrees that it is permitted.** Similarly, **with regard to** *shetita'a* prepared from **lentils** to which **vinegar** is added, **everyone agrees that** it is **prohibited,** on account of the vinegar of gentiles. **When they disagree,** it is **with regard to lentils** made only **with water:** One **Sage,** Levi, **holds** that **we decree** a prohibition with regard to **this** porridge made without vinegar **due to that** porridge made with vinegar. **And** one **Sage,** Rav, **holds** that **we do not decree** for this reason.

וְאִיכָּא דְּאָמְרִי: בְּטַלְפְּחֵי דְּמַיָּא – כּוּלֵּי עָלְמָא לָא פְּלִיגִי דַּאֲסִיר, כִּי פְּלִיגִי – בְּחִטֵּי וְשַׂעֲרֵי, מָר סָבַר: גָּזְרִינַן הָא אַטּוּ הָא, וּמָר סָבַר: לָא גָּזְרִינַן.

The Gemara notes: **And some say** that **with regard to lentils** made only **with water, everyone agrees that** the *shetita'a* is **prohibited** on account of lentils made with vinegar. **When they disagree,** it is **with regard to** *shetita'a* made of **wheat and barley:** One **Sage,** Levi, **holds** that **we decree** a prohibition with regard to **this** porridge prepared with wheat and barley **due to that** porridge made with lentils. **And** one **Sage,** Rav, **holds** that **we do not decree** for this reason.

אָמַר רַב: תְּרֵי מִינֵי שְׁתִיתָאָה שְׁדַר בַּרְזִלַּי הַגִּלְעָדִי לְדָוִד, דִּכְתִיב: ״מִשְׁכָּב וְסַפּוֹת וּכְלֵי יוֹצֵר חִטִּים וּשְׂעֹרִים וְקֶמַח וְקָלִי וּפוֹל וַעֲדָשִׁים וְקָלִי״. וְהָשְׁתָּא הוּא דְּקָא מַפְקֵי צַנְיֵי צַנְיֵי לְשׁוּקֵי דִּנְהַרְדְּעָא, וְלֵית דְּחָיֵישׁ לְהָא דַּאֲבוּהּ דִּשְׁמוּאֵל וְלֵוִי.

Apropos the mention of *shetita'a,* the Gemara relates that **Rav said: Barzillai the Gileadite sent two kinds of *shetita'a* to David, as it is written:** "And Barzillai the Gileadite of Rogelim brought **beds, and basins, and earthen vessels, and wheat, and barley, and meal, and parched grain, and beans, and lentils, and parched pulse"** (II Samuel 17:28). Barzillai brought two kinds of parched foods: Grain and pulse. The Gemara concludes: **And now** *shetita'a* **is taken out** in **baskets** upon **baskets to the markets of Neharde'a, and there is no** one **who is concerned about that** stringent ruling **of Shmuel's father and Levi.**

״וּכְבָשִׁין שֶׁדַּרְכָּן לָתֵת בְּתוֹכָן יַיִן״. אָמַר חִזְקִיָּה: לֹא שָׁנוּ אֶלָּא שֶׁדַּרְכָּן, אֲבָל בְּיָדוּעַ – אָסוּר אֲפִילּוּ בַּהֲנָאָה. וּמַאי שְׁנָא מִמּוֹרַייִס דְּשָׁרוּ רַבָּנַן בַּהֲנָאָה? הָתָם לְעִבּוּרֵי זוּהֲמָא, הָכָא לְמַתּוּקֵי טַעְמָא.

§ The mishna teaches: **And boiled and pickled** vegetables of gentiles, **whose** usual **manner** of preparation involves **adding wine** and vinegar **to them,** may not be consumed, but one may derive benefit from them. **Ḥizkiyya says: They taught** that this prohibition applies solely to consumption **only where their** usual **manner** of preparation involves adding wine and vinegar, though there is no information about how these particular vegetable were prepared. **But where it is known**[H] for certain that these vegetables were prepared with wine or vinegar, it is **prohibited even to** derive **benefit** from them. The Gemara asks: **And** in **what** way **is** this case **different from fish stew, which the Sages permitted** one **to** derive **benefit** from? The Gemara answers: **There,** with regard to fish stew, wine is added merely **to remove the stench** of the fish and does not actually contribute any taste to it, whereas **here,** with regard to pickled vegetables, it is added **to sweeten the taste.**

וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ בְּיָדוּעַ נַמִּי מוּתָּר. וּמַאי שְׁנָא מִמּוֹרַייִס לְרַבִּי מֵאִיר דַּאֲסִיר בַּהֲנָאָה?

The Gemara cites a dissenting opinion. **And Rabbi Yoḥanan says: Even where it is known** that wine or vinegar was added to the vegetables, it is **also permitted** to derive benefit from them. The Gemara asks: **And** in **what** way **is** this case **different from fish stew, according to** the opinion of **Rabbi Meir, who prohibited** deriving **benefit** from the fish stew? Why does Rabbi Meir permit one to derive benefit from vegetables pickled in gentiles' wine but prohibit deriving benefit from fish stew that contains wine or vinegar?

HALAKHA

But where it is known – אֲבָל בְּיָדוּעַ: Pickled vegetables that are not usually prepared with wine are permitted even if they belong to a gentile. Those that are made with wine are prohibited for consumption, but one may derive benefit from them. If it is known that wine was added to the vegetables, it is prohibited even to derive benefit from them. This *halakha* is in accordance with Ḥizkiyya's rulings (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 17:24; *Shulḥan Arukh, Yoreh De'a* 114:8–10, and in the comment of Rema).

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הָתָם יְדִיעַ מַמָּשׁוֹ, הָכָא לָא יְדִיעַ מַמָּשׁוֹ.

The Gemara explains: **There, the substance of** the wine **is a recognizable** component[N] of the fish stew; **here, its substance is not a recognizable** component of the pickled vegetables.

"וְטָרִית טְרוּפָה, וְצִיר שֶׁאֵין בָּהּ דָּגָה" וכו'. מַאי חִילָּךְ? אָמַר רַב נַחְמָן בַּר אַבָּא אָמַר רַב: זוֹ סוּלְתָנִית, וּמִפְּנֵי מָה אֲסוּרָה? מִפְּנֵי שֶׁעֵרְבוֹנָהּ עוֹלֶה עִמָּהּ.

§ The mishna teaches: **And minced *tarit* fish, and brine that does not have** a *kilbit* **fish** floating in it, and *ḥilak* are all prohibited. The Gemara asks: **What is *ḥilak*? Rav Naḥman bar Abba says** that **Rav says: This is *sultanit*,**[L] a type of small fish that is generally caught before its scales have developed. **And for what** reason **is it prohibited?** It is **because its** size causes it to be **intermingled** with other fish, and as a result *sultanit* **rises** out of the water **with** non-kosher fish when **it** is caught.

תָּנוּ רַבָּנַן: אֵין לוֹ עַכְשָׁיו וְעָתִיד לְגַדֵּל לְאַחַר זְמַן, כְּגוֹן הַסּוּלְתָנִית וְהָעַפְיָץ – הֲרֵי זֶה מוּתָּר; יֵשׁ לוֹ עַכְשָׁיו וְעָתִיד לְהַשִּׁיר בְּשָׁעָה שֶׁעוֹלָה מִן הַיָּם, כְּגוֹן אָקוּנָס וְאָפוּנָס, כְּטַסְפָּטִיָּים וְאַכְסַפְטִיָּים וְאוֹטָנָס – מוּתָּר.

The Sages taught: If a fish **does not currently possess**[N] scales[H] **but will grow** them **after** a period of **time, such as the *sultanit* and *afiyatz***[L] fish, **it is permitted.** Likewise, if **it has** scales **now but will shed**[N] them **when it** is caught and **rises from the sea, such as *akunas***[L] **and *afuna*, *ketasfatiyas***[L] **and *akhsaftiyas* and *otanas***[L] fish, it is **permitted.**

אַכְרִיז רַבִּי אַבָּהוּ בְּקֵיסָרִי: קִירְבֵי דָּגִים וְעוּבָּרָן נִיקָּחִין מִכָּל אָדָם, חֶזְקָתָן אֵינָן בָּאִים אֶלָּא מִפְּלוּסָא וְאַסְפַּמְיָא. כִּי הָא דְּאָמַר אַבָּיֵי: הַאי צַחַנְתָּא דְּבַב נַהֲרָא – שָׁרְיָא.

Rabbi Abbahu announced in Caesarea: Fish entrails and their eggs may be purchased from any person, as **the presumption with regard to them** is that **they come only from Pelusium** [*Pilusa*][L] **and Spain** [*Aspamya*],[L] and non-kosher fish are not found in those areas. This is **similar to that which Abaye says: These small fish** [*tzaḥanta*] **of the Bav River are permitted,** as non-kosher fish are not found in that river.

מַאי טַעְמָא? אִילֵּימָא מִשּׁוּם דְּרִדְיֵי מַיָּא, וְהַאי דָּג טָמֵא, כֵּיוָן דְּלֵית לֵיהּ חוּט הַשִּׁדְרָה, בְּדוּכְתָּא דְּרִדְיֵי מַיָּא לָא מָצֵי קָאֵי – וְהָא קָא חָזֵינַן דְּקָאֵי!

The Gemara asks: **What is the reason** that Abaye unequivocally permitted eating these fish and was not concerned about the potential presence of non-kosher fish among them? **If we say** that it is **due to** the fact **that** the **water flows rapidly, and these non-kosher fish, since they do not have a spinal cord, are not able to exist in a place where the water flows rapidly,** as the current carries the non-kosher fish out of the Bav River, and consequently all the remaining fish are kosher, that is not the case, **since we see that** non-kosher fish **exist** in rivers with strong currents.

אֶלָּא מִשּׁוּם דְּמִלֵּיחִי מַיָּא, וְהַאי דָּג טָמֵא, כֵּיוָן דְּלֵית לֵיהּ קַלְּפֵי, בְּדוּכְתָּא דְּמִלֵּיחִי מַיָּא לָא מָצֵי קָאֵי – וְהָא קָא חָזֵינַן דְּקָאֵי! אֶלָּא מִשּׁוּם דְּלָא מַרְבֶּה טִינָא דָּג טָמֵא. אָמַר רָבִינָא: הָאִידָּנָא דְּקָא שָׁפְכִי בֵּיהּ נְהַר גּוֹזָא וּנְהַר גַּמְדָּא – אֲסִירִי.

Rather, perhaps Abaye permitted the fish **because** the **water is salty, and these non-kosher fish are not able to exist in a place of salty water since they do not have scales.** This, too, is not the case, **since we see that** non-kosher fish **exist** in salty water. **Rather,** Abaye permitted the small fish in the Bav River **because** the **mud** in that river **is not** suitable for **non-kosher fish** to **reproduce.** The conditions in the river render it an unproductive habitat for non-kosher fish. **Ravina says: Nowadays, as** the government built canals between the rivers, and the **Goza River and** the **Gamda River spill into** the Bav and carry non-kosher fish there, it is **prohibited** to eat the small fish without thorough inspection.

NOTES

There the substance of the wine is a recognizable component – הָתָם יְדִיעַ מַמָּשׁוֹ: Rashi states that the liquid surrounding pickled vegetables is not intentionally eaten, and the wine is not added to enhance its taste but merely to facilitate the preservation of the vegetables. Therefore, the wine is not a recognizable component of the dish. Others explain that fish stew has the taste and the appearance of wine, and it is prohibited due to the combination of both these factors. Although pickled vegetables do contain the taste of wine, its presence is not visibly discernible in the liquid (Rabbeinu Avraham ben Rav Yitzḥak).

Does not currently possess – אֵין לוֹ עַכְשָׁיו: The commentaries note that this *halakha*, that a fish that does not currently possess scales but will later grow them is permitted, is derived from the verse: "Whatsoever has no [*ein lo*] fins nor scales in the waters is a detestable thing unto you" (Leviticus 11:12). This is interpreted as teaching that one must look into the matter [*ayyen alav*] to determine whether or not such a fish possesses scales at any point (*Tosafot*).

But will shed – וְעָתִיד לְהַשִּׁיר: This is derived from the verse: "Whatsoever has no fins nor scales in the waters is a detestable thing unto you" (Leviticus 11:12). This indicates that fish that do not have fins or scales "in the water" are prohibited. It is inferred from here that if a particular fish did have scales when it was in the water, it is kosher, even if it later sheds them.

LANGUAGE

***Sultanit* – סוּלְתָנִית:** Both the origin of this name and the identity of the fish to which it refers are uncertain. Some suggest that it means a type of sardine.

***Afiyatz* – עַפְיָץ:** Alternative versions of this word include *afi'an* and *afiyyan*. Apparently this name is derived from the Greek ἀφύη, *afuē*, a general term for small species of fish.

***Akunas* – אָקוּנָס:** An alternative version is *kolias*, which is the Greek fish κολίας, *kolias*. This is *Scomber colias* S., or the Atlantic chub mackerel.

***Ketasfatiyas* – כְּטַסְפָּטִיָּים:** Some maintain that this is from the Greek ξιφίας, *xifias*, known as a swordfish. This fish does, in fact, shed its scales outside the water.

Swordfish

***Otanas* – אוֹטָנָס:** Apparently the tuna fish, from the Greek θύννος, *thunnos*.

Little tunny, a common breed of tuna found in the Mediterranean

Pelusium [*Pilusa*] – פְּלוּסָא: Apparently, this is the Egyptian city Πηλούσιον, *Pēlousion*, located near the Nile Delta. This was a port city on the edge of the Nile and was identified by the *Targum Yerushalmi* as the Rameses mentioned in the Torah. Fish were exported from this region to several places, including Eretz Yisrael.

Spain [*Aspamya*] – אַסְפַּמְיָא: This might be a reference to Spain, whose name in Greek is Ἱσπανία, *Hispania*, and in Latin: Hispania. It perhaps refers specifically to the largest of the three Roman provinces in Spain, H. Tarraconensis, which covered the majority of Spain's land mass.

HALAKHA

Does not currently possess scales, etc. – אֵין לוֹ עַכְשָׁיו וכו': A fish that does not possess fins and scales at the moment but will develop them at a later stage is permitted. Likewise, if it had them at one point but no longer possesses them, it is also permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 1:24; *Shulḥan Arukh*, *Yoreh De'a* 83:1).

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LANGUAGE

Sea donkey [*ḥamara deyamma*] – חֲמָרָא דְּיַמָּא: The precise identity of this fish is unknown. In modern Hebrew the term *ḥamor yam*, meaning sea donkey, is used to refer to the Atlantic cod, *Gadus morhua*.

Atlantic cod

Sea ox [*tora deyamma*] – תּוֹרָא דְּיַמָּא: It is unclear to which fish this refers, although it could be a species of ray fish. Some of these have horn-like protrusions on their heads, which would explain the name sea ox.

Eel [*tzelofḥa*] – צְלוֹפְחָא: This refers to the eel, *Anguilla* sp., which is still called *tzelofaḥ* in modern Hebrew. Several kosher fish from different aquatic families are similar in appearance to this eel.

European eel

***Batei* – בָּאטֵי:** Apparently from the Greek βατίς, *batis*, the name of a kind of ray fish. These are cartilaginous fish related to sharks, whose dominant feature is the flat appearance of their bodies. These fish vary in size and are all non-kosher.

Cowtail stingray, a member of the ray family

HALAKHA

He saw that it had scales and he permitted it – חֲזָא בֵּיהּ קַלְפֵי וְשָׁרְיֵיהּ: Fish that have scales that are too thin to be discerned under regular circumstances are permitted (*Shulḥan Arukh*, *Yoreh De'a* 83:2).

אָמַר אַבָּיֵי: הַאי חֲמָרָא דְּיַמָּא – שָׁרֵי, תּוֹרָא דְּיַמָּא – אֲסִיר, וְסִימָנֵיךְ: טָמֵא טָהוֹר, טָהוֹר טָמֵא.

The Gemara cites several other statements of *amora'im* that concern the halakhic status of fish. **Abaye says: This** creature known as the **sea donkey** [*ḥamara deyamma*]ᴸ is **permitted;** the creature known as the **sea ox** [*tora deyamma*]ᴸ is **prohibited, and your mnemonic** to remember this *halakha* is: **Impure is pure,** and **pure is impure,** i.e., the name of an animal which is non-kosher on land is kosher in the sea, and that which is kosher on land is non-kosher in the sea.

אָמַר רַב אַשִׁי: שִׁפַּר נוּנָא – שָׁרֵי, קְדַשׁ נוּנָא – אֲסִיר, וְסִימָנֵיךְ: "קֹדֶשׁ לַה'". אִיכָּא דְּאָמְרִי: קְבַר נוּנָא – אָסוּר, וְסִימָנֵיךְ: קִבְרֵי גּוֹיִם.

Rav Ashi said: The type of fish known as ***shefar nuna*** is **permitted,** and the type of fish known as ***kadesh nuna*** is **prohibited, and your mnemonic** to remember this *halakha* is: That which is **holy** [*kodesh*] is **to the Lord,** and not for humans. And **some say** that Rav Ashi said: The type of fish known as ***kevar nuna*** is **prohibited, and your mnemonic** is: The grave [*kever*] is impure like the **graves of gentiles.**

רַבִּי עֲקִיבָא אִיקְלַע לְגִינְזַק, אַיְיתוּ לְקַמֵּיהּ הַהוּא נוּנָא דַּהֲוָה דָּמֵי לְחִיפּוּשָׁא, חַפְיֵיהּ בְּדִיקוּלָא, חֲזָא בֵּיהּ קַלְפֵי וְשָׁרְיֵיהּ. רַב אַשִׁי אִיקְלַע לְטַמְדּוּרְיָא, אַיְיתוּ לְקַמֵּיהּ הַהוּא נוּנָא דַּהֲוָה דָּמֵי לְצְלוֹפְחָא, נַקְטֵיהּ לַהֲדֵי יוֹמָא, חֲזָא דַּהֲוָה בֵּיהּ צִימְחֵי וְשָׁרְיֵיהּ.

The Gemara relates several incidents involving Sages and their rulings with regard to fish. **Rabbi Akiva happened** to come **to Ginzak** and **they brought before him a certain fish that was similar to a *ḥippusha,*** a non-kosher aquatic creature. When **he enclosed it**ᴺ **in a basket he saw** that **it** had **scales** which it shed as it struggled to escape from the basket, **and he permitted it**ᴴ on that basis. **Rav Ashi happened** to come **to Tamduria** where **they brought before him a certain fish that was similar to an eel** [*tzelofḥa*].ᴸ **He took it out** and held it **against** the light of **day** and **saw that there were thin scales on it, and he permitted it.**

רַב אַשִׁי אִיקְלַע לְהַהוּא אַתְרָא, אַיְיתוּ לְקַמֵּיהּ נוּנָא דְּהָווּ דָּמֵי לִשְׁפַרְנוּנָא, חַפְיֵיהּ בִּמְשִׁיכְלֵי חִיוְּרֵי, חֲזָא בֵּיהּ קַלְפֵי וְשָׁרְיֵיהּ. רַבָּה בַּר בַּר חָנָה אִיקְלַע לְאַקְרָא דְּאַגְמָא, קְרִיבוּ לֵיהּ צַחֲנָתָא, שְׁמַעֵיהּ לְהַהוּא גַּבְרָא דַּהֲוָה קָרֵי לֵיהּ "בָּאטֵי",

Rav Ashi also **happened** to come **to a certain land** where **they brought before him a fish that was similar to a *shefarnuna*. He enclosed it in a white vessel** and **saw** that **it** shed dark **scales,** which he could see against the white background of the container, **and he permitted it. Rabba bar bar Ḥana happened** to come **to Akra DeAgma** and **they brought him** some ***tzaḥanta,*** a dish prepared from small fish. **He heard a certain man calling it *batei,***ᴸᴺ the name of a non-kosher sea creature.

אֲמַר: מִדְּקָא קָרֵי לֵיהּ בָּאטֵי – שְׁמַע מִינַּהּ דָּבָר טָמֵא אִית בֵּיהּ, לָא אָכַל מִינֵּיהּ. לְצַפְרָא עַיֵּין בָּהּ, אַשְׁכַּח בֵּיהּ דָּבָר טָמֵא, קָרֵי אַנַּפְשֵׁיהּ: "לֹא יְאֻנֶּה לַצַּדִּיק כָּל אָוֶן".

Rabba bar bar Ḥana **said** to himself: **From** the fact **that he called it *batei,*** I can **conclude from** here that **there is a non-kosher substance in** the *tzaḥanta*. And **he did not eat from it** that night. **In the morning, he examined** the dish and in fact **found a non-kosher substance in it. He read** the following verse **about himself: "No sin shall befall the righteous"** (Proverbs 12:21).

NOTES

Enclosed it – חַפְיֵיהּ: Rashi explains that Rabbi Akiva covered the fish in a basket, and it shed its scales as it squirmed in its confines. Others state that Rabbi Akiva scraped the fish against the side of the basket until its scales came off (Rabbeinu Ḥananel).

Calling it *batei* – דַּהֲוָה קָרֵי לֵיהּ בָּאטֵי: This was not the actual name of the *tzaḥanta* that Rabba bar bar Ḥana was offered, as if it were, he would be required by *halakha* to refrain from eating it, whereas his decision was an act of piety, as indicated by the continuation of the story. Rather, at that moment he heard a passing man call out: *Batei, batei*. Since there was no *batei* in the vicinity, Rabba bar bar Ḥana interpreted this as a sign from Heaven that the fish should not be eaten (Rabbeinu Ḥananel; see *Arukh*).

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״וְהַקּוֹרֶט שֶׁל חִילְתִּית״. מַאי טַעְמָא? מִשּׁוּם דְּמַפְסְקֵי לֵיהּ בְּסַכִּינָא; אַף עַל גַּב דְּאָמַר מָר: נוֹתֵן טַעַם לִפְגָם מוּתָּר, אַגַּב חוּרְפֵּיהּ דְּחִילְתִּיתָא – מְחַלְיָא לֵיהּ שַׁמְנוּנִיתָא, וְהָוֵה לֵיהּ כְּנוֹתֵן טַעַם לְשַׁבָּח וְאָסוּר.

§ The mishna teaches: **And a sliver of *ḥiltit*** may not be consumed, although one may derive benefit from it. The Gemara asks: **What is the reason** that it is prohibited? It is **because they slice it with a knife** on which there is presumably non-kosher residue. And **even though the Master said** that a prohibited substance that **imparts flavor to** the **detriment** of the mixture is **permitted,** that principle does not apply in this case because **as a result of the sharpness of the *ḥiltit,***[H] the act of slicing it with a knife **sweetens,** i.e., enhances, the taste of **the** non-kosher **residue.**[N] **And** therefore **it is like** a prohibited substance that **imparts flavor to** the **enhancement** of the mixture, **and** it is **prohibited.**

עַבְדֵּיהּ דְּרַבִּי לֵוִי הֲוָה קָא מְזַבֵּין חִילְתִּיתָא, כִּי נָח נַפְשֵׁיהּ דְּרַבִּי לֵוִי אֲתוּ לְקַמֵּיהּ דְּרַבִּי יוֹחָנָן, אֲמַרוּ לֵיהּ: מַהוּ לְמִיזְבַּן מִינֵּיהּ? אֲמַר לְהוּ: עַבְדּוֹ שֶׁל חָבֵר הֲרֵי הוּא כְּחָבֵר.

The Gemara relates that the gentile **slave of Rabbi Levi would sell *ḥiltit,***[N] and it was permitted to purchase it from him as he was the slave of a Sage. **When Rabbi Levi passed away, they came before Rabbi Yoḥanan** and **said to him:** Now that Rabbi Levi has passed, **what is** the *halakha* with regard to whether or not it is permitted **to purchase *ḥiltit* from his** gentile slave? Rabbi Yoḥanan **said to them: The slave of a *ḥaver,***[H] one devoted to the meticulous observance of mitzvot, especially *halakhot* of ritual purity, *teruma,* and tithes, **is as a *ḥaver*** himself, and therefore it is permitted to buy *ḥiltit* from him.

רַב הוּנָא בַּר מְנַיוּמִי זְבַן תְּכֵילְתָּא מֵאַנְשֵׁי דְּבֵיתֵיהּ דְּרַב עַמְרָם חֲסִידָא, אֲתָא לְקַמֵּיהּ דְּרַב יוֹסֵף, לָא הֲוָה בִּידֵיהּ.

The Gemara relates another incident that involves the status of a *ḥaver* and his household. **Rav Huna bar Minyumi purchased sky-blue dye** [*tekhelta*][B] **from the people of the household,** i.e., the wife, **of Rav Amram the pious.** One may purchase sky-blue dye for ritual fringes only from a reliable individual, as it is easy to counterfeit. Rav Huna then **came before Rav Yosef** to ask if he could rely on her assurance that it was usable for the mitzva. The answer **was not available to** Rav Yosef.

פְּגַע בֵּיהּ חָנָן חַיָּיטָא, אֲמַר לֵיהּ: יוֹסֵף עָנְיָא מְנָא לֵיהּ? בְּדִידִי הֲוָה עוֹבָדָא, דְּזַבִּינִי תְּכֵילְתָּא מֵאַנְשֵׁי דְּבֵיתֵיהּ דְּרַבְּנָאָה אָחוּהּ דְּרַבִּי חִייָא בַּר אַבָּא, וַאֲתַאי לְקַמֵּיהּ דְּרַב מַתָּנָא, לָא הֲוָה בִּידֵיהּ; אֲתַאי לְקַמֵּיהּ דְּרַב יְהוּדָה מֵהַגְרוֹנְיָא, אֲמַר לִי: נָפְלָתְ לְיָד, הָכִי אָמַר שְׁמוּאֵל: אֵשֶׁת חָבֵר הֲרֵי הִיא כְּחָבֵר.

Later, **Ḥanan the tailor happened to** meet Rav Huna, and **he said to him: From where** could **poor** Rav **Yosef**[N] have known the answer to this question? Ḥanan continued: **There was an incident in which I** was involved, **as I purchased sky-blue dye from the people of the household,** i.e., the wife, **of Rabena'a, brother of Rabbi Ḥiyya bar Abba, and I came before Rav Mattana** to ask him the same question, and the answer **was not available to him** either. **I** then **came before Rav Yehuda of Hagronya,** who **said to me: You have fallen into** my **hand,**[N] i.e., I am the only one who can answer your question. **This** is what **Shmuel says: The wife of a *ḥaver* is** herself considered **like a *ḥaver,*** and you may therefore rely on her statement.

HALAKHA

As a result of the sharpness of the *ḥiltit* – אַגַּב חוּרְפֵּיהּ דְּחִילְתִּיתָא: If a knife was first used to cut hot meat and subsequently to slice a sharp food, e.g., an onion, that onion may not be eaten with dairy foods unless a fingerbreadth of it is removed from the surface that was sliced. According to some commentaries, this applies only when the knife had been used within the previous twenty-four hours, or if it had not been cleaned after slicing the meat (*Taz*). Others contend that this *halakha* applies even with regard to a clean knife that has not been used in the last twenty-four hours, as in the case of *ḥiltit* (*Gra*), and this is the accepted practice (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:24; *Shulḥan Arukh*, *Yoreh De'a* 96:1–2, 103:6).

The slave of a *ḥaver* – עַבְדּוֹ שֶׁל חָבֵר: A *ḥaver* is always trusted, as are his family and members of his household, including his slave (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser* 10:2 and *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 10:5).

NOTES

Sweetens the non-kosher residue – מְחַלְיָא לֵיהּ שַׁמְנוּנִיתָא: The sharpness of the *ḥiltit* improves the taste of the residue on the knife (Rid). In turn, this enhanced residue imparts flavor as it slices into the *ḥiltit*, which is why the *ḥiltit* is prohibited (see Rabbi Ovadya Bartenura and Ritva).

Others state that although the residue does not enhance the flavor of most foods, nevertheless it tempers the pungency of *ḥiltit* and is therefore considered a prohibited substance that gives flavor to the enhancement of a mixture. Accordingly, it is prohibited (see Rashi and Rabbeinu Ḥananel).

Sell *ḥiltit* – מְזַבֵּין חִילְתִּיתָא: Since *ḥiltit* of gentiles is prohibited, and there is no discernible difference between *ḥiltit* of Jews and that of gentiles, one has no choice but to rely on the seller. Consequently, it was not obvious that it was permitted to eat *ḥiltit* purchased from Rabbi Levi's slave after his master had passed away.

Poor Rav Yosef – יוֹסֵף עָנְיָא: It is possible that he was referred to in this manner due to his blindness, and because he began to forget his studies toward the end of his life (see *Nedarim* 41a).

You have fallen into my hand – נָפְלָתְ לְיָד: In other words, you require my assistance to find an answer to your question. Others maintain that this was asked incredulously: Do you really require my assistance (*Tosafot*, citing Rashi)?

It is also possible that this is a rhetorical question, an exclamation of Rav Yehuda of Hagronya's joy at the opportunity to resolve the dilemma.

BACKGROUND

Sky-blue dye – תְּכֵילְתָּא: This is referring to a special dye produced from a species of snail. In talmudic times this dye was already quite rare, and the means of preparing it, including the species of snail used, were eventually forgotten. In recent generations efforts have been made to identify the snail and to resume use of the dye. There are numerous opinions with regard to the identity of the *ḥilazon*, the snail from which the sky-blue dye is extracted. There is also a dispute as to how to associate the statements in the Talmud and the midrash with a particular species. Many scholars identify the *ḥilazon* with the *Murex trunculus* species found on the coast of northern Israel. There is a gland in the *ḥilazon* that produces a secretion, which is not the blood of the *ḥilazon*. With the addition of several herbs, this secretion can be processed into a dye. To obtain the liquid, it is necessary to first break the shell of the *ḥilazon* and then squeeze the secretion from its body.

Murex trunculus with shell removed

Shell of *Murex trunculus* excavated in northern Israel

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תָּנֵינָא לְהָא, דְּתָנוּ רַבָּנָן: אֵשֶׁת חָבֵר הֲרֵי הִיא כְּחָבֵר, עַבְדּוֹ שֶׁל חָבֵר הֲרֵי הוּא כְּחָבֵר, חָבֵר שֶׁמֵּת – אִשְׁתּוֹ וּבָנָיו וּבְנֵי בֵּיתוֹ הֲרֵי הֵן בְּחֶזְקָתָן עַד שֶׁיֶּחְשְׁדוּ; וְכֵן חָצֵר שֶׁמּוֹכְרִין בָּהּ תְּכֵלֶת, הֲרֵי הֵן בְּחֶזְקָתָן עַד שֶׁתִּיפָּסֵל.

The Gemara comments: **We learn** here **that which the Sages taught** explicitly in a *baraita*: **The wife of a *ḥaver* is like a *ḥaver*; the slave of a *ḥaver* is like a *ḥaver*.** Furthermore, with regard to **a *ḥaver* that died,**[H] **his wife and children and members of his household remain in their presumptive** status **until they are suspected** of engaging in inappropriate deeds. **And similarly,** with regard to **a courtyard in which they sell sky-blue dye,**[H] **it remains in its presumptive** status as a place in which kosher sky-blue dye is sold **until it is disqualified** due to unscrupulous behavior.

תָּנוּ רַבָּנָן: אֵשֶׁת עַם הָאָרֶץ שֶׁנִּשֵּׂאת לְחָבֵר, וְכֵן בִּתּוֹ שֶׁל עַם הָאָרֶץ שֶׁנִּשֵּׂאת לְחָבֵר, וְכֵן עַבְדּוֹ שֶׁל עַם הָאָרֶץ שֶׁנִּמְכַּר לְחָבֵר – כּוּלָּן צְרִיכִין לְקַבֵּל דִּבְרֵי חֲבֵרוּת; אֲבָל אֵשֶׁת חָבֵר שֶׁנִּשֵּׂאת לְעַם הָאָרֶץ, וְכֵן בִּתּוֹ שֶׁל חָבֵר שֶׁנִּשֵּׂאת לְעַם הָאָרֶץ, וְכֵן עַבְדּוֹ שֶׁל חָבֵר שֶׁנִּמְכַּר לְעַם הָאָרֶץ – אֵינָן צְרִיכִין לְקַבֵּל דִּבְרֵי חֲבֵרוּת לְכַתְּחִלָּה, דִּבְרֵי רַבִּי מֵאִיר;

The Sages taught: The wife of one who is not careful to keep the particulars of certain *halakhot* [*am ha'aretz*], who later **marries a *ḥaver*, and likewise the daughter of an *am ha'aretz* who marries a *ḥaver*, and likewise the slave of an *am ha'aretz* who is sold to a *ḥaver*, must all accept** upon themselves the commitment to observe **the matters** associated with ***ḥaver* status. But the wife of a *ḥaver* who** later **marries an *am ha'aretz*, and likewise the daughter of a *ḥaver* who marries an *am ha'aretz*, and likewise the slave of a *ḥaver* who was sold to an *am ha'aretz*,** these people **need not accept** upon themselves the commitment to observe **the matters** associated with ***ḥaver* status *ab initio*.** This is **the statement of Rabbi Meir.**

רַבִּי יְהוּדָה אוֹמֵר: אַף הֵן צְרִיכִין לְקַבֵּל דִּבְרֵי חֲבֵרוּת לְכַתְּחִלָּה. וְכֵן הָיָה רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: מַעֲשֶׂה בְּאִשָּׁה אַחַת שֶׁנִּשֵּׂאת לְחָבֵר, וְהָיְתָה קוֹשֶׁרֶת לוֹ תְּפִילִּין עַל יָדוֹ, נִשֵּׂאת לְמוֹכֵס – וְהָיְתָה קוֹשֶׁרֶת לוֹ קִשְׁרֵי מוֹכֵס עַל יָדוֹ.

Rabbi Yehuda says: They too must accept upon themselves the commitment to observe **the matters** associated with ***ḥaver* status *ab initio*. And similarly, Rabbi Shimon ben Elazar would** illustrate this point and **say:** There was **an incident involving a certain woman who married a *ḥaver* and would tie for him phylacteries on his hand,** and she later **married a tax collector and would tie for him tax-seals**[B] **on his hand,** which shows that her new husband had a great influence on her level of piety.

אָמַר רַב: חֲבִי"ת אָסוּר בְּחוֹתָם אֶחָד, חֲמִפְּ"ג מוּתָּר בְּחוֹתָם אֶחָד; חָלָב, בָּשָׂר, יַיִן, תְּכֵלֶת

§ **Rav says:** The substances represented by the acronym ***ḥet, beit, yod, tav* are prohibited**[H] if they were deposited with a gentile while they were sealed **with** only **one seal.** Those represented by the acronym ***ḥet, beit, peh, gimmel* are permitted** if they were deposited with a gentile while they were sealed **with one seal.** The Gemara elaborates: **Milk** [*ḥalav*], **meat** [*basar*], **wine** [*yayin*], and **sky-blue dye** [*tekhelet*]

HALAKHA

A *ḥaver* that died, etc. – חָבֵר שֶׁמֵּת וכו': The members of the household of a deceased *ḥaver* retain their credibility as the relatives of a *ḥaver* until there is reason to think otherwise (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 10:5).

Courtyard in which they sell sky-blue dye – חָצֵר שֶׁמּוֹכְרִין בָּהּ תְּכֵלֶת: Sky-blue dye that was purchased from a place which is established as credible does not require inspection. The dye is presumed to be valid unless there is reason to believe otherwise (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 2:6).

***Ḥet*, *beit*, *yod*, *tav* are prohibited, etc. – חבי"ת אָסוּר וכו':** Pieces of fish that have no signs of kashrut, as well as meat, wine, and sky-blue dye that have been deposited in the possession of a gentile, require two seals to be permitted for a Jew. Milk, fish stew, bread, and cheese require only one seal. This is in accordance with the statement of Rav, as explained by Rav Kahana on the next *amud*. This leniency that only one seal is required applies to any substance which is prohibited by rabbinic law (Rambam).

Some maintain that even substances for which two seals are necessary require them only if they are not reclaimed by the Jew who sealed them; if one recognizes his own seal or the seal of his employer a single seal is sufficient.

The Rema cites an opinion that two seals are needed only where one leaves these substances with a Jew who has been suspected of unscrupulous behavior; one seal is sufficient for all substances that are deposited with a gentile (Rabbeinu Tam). The Rema rules that one may rely on this opinion after the fact (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:10; *Shulḥan Arukh*, *Yoreh De'a* 118:1).

BACKGROUND

Tax-seals – קִשְׁרֵי מוֹכֵס: For many generations, until recent times in some locations, tax collectors were authorized by the rulers of a country to collect taxes on their behalf, and these collectors paid a fixed sum for this right. A head tax collector would assign the collection itself to sub-collectors, through a similar arrangement by which they would pay a fixed amount to the head collector for the right to collect taxes from the community. This was essentially a business arrangement, as the more money one was able to collect, the greater his own profit.

Inevitably, this led to exploitation and robbery, as the collector was authorized to exact heavier payment from whomever he wished, as well as to exempt whomever he chose. This was the case even when the authorities exacted a fixed percentage of the value collected and even more so when the percentage was not clearly established. For these reasons, the standard tax collector was considered a crook and an evil individual.

Apparently the tax-seal mentioned here is a document that certifies its carrier as an authorized tax collector.

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אֲסוּרִין בְּחוֹתָם אֶחָד; חִילְתִּית, מוֹרַיִס, פַּת, גְּבִינָה – מוּתָּרִין בְּחוֹתָם אֶחָד.

are all **prohibited** when they are found **with** only **one seal; ḥiltit, fish stew** [***morayes***], **bread** [***pat***], and **cheese** [***gevina***] are all **permitted** when they are found **with one seal.**

פַּת לְמַאי נִיחוּשׁ לָהּ? אִי מִשּׁוּם אִיחֲלוּפֵי קְרִירָא בַּחֲמִימָא – מֵידַע יְדִיעַ, דְּחִיטֵּי בְּדִשַּׁעֲרֵי נַמֵּי מֵידַע יְדִיעַ; אִי כִּי הֲדָדֵי – כֵּיוָן דְּאִיכָּא חוֹתָם אֶחָד לָא טָרַח וּמְזַיֵּף.

The Gemara explains why only one seal is necessary for bread. **With regard to what** need we **be concerned** in the case of **bread,** that one might have thought it requires two seals? **If it is due to** the concern for the gentile **exchanging**[N] the fresh bread of the Jew with his own bread that is less fresh, the difference between **cold** bread **and warm** bread is **known,** and the Jew will realize that there has been an exchange. Likewise, if there is a concern that a gentile might exchange the more valuable **wheat** bread of the Jew **with** his own less valuable **barley** bread, the Jew will **also know** about it in this case. And **if** it is due to the concern that a gentile might exchange **similar** kinds of bread[N] with each other, it can be assumed that **since there is one seal** the gentile will **not trouble** himself **and forge** another seal just to exchange bread of equal value.

וְרַב, מַאי שְׁנָא גְּבִינָה? דְּלָא טָרַח וּמְזַיֵּף; חָלָב נַמִּי לָא טָרַח וּמְזַיֵּף! אֲמַר רַב כָּהֲנָא: אַפִּיק חָלָב וְעָיֵיל חֲתִיכַת דָּג שֶׁאֵין בָּהּ סִימָן.

The Gemara asks: **And** according to the opinion of **Rav, what is different** about **cheese** that it requires only one seal whereas milk requires two? If the reason is **that** a gentile will **not trouble** himself **and forge** a different seal, as cheese is generally inexpensive and the small profit he might make is not worth such an effort, this reasoning should apply to **milk also,** as he will **not trouble** himself **and forge** a new seal in this case either. **Rav Kahana said: Remove** the term: **Milk,** from Rav's statement, **and enter** instead: **A piece of fish that has no sign**[N] of kashrut.

הַיְינוּ בָּשָׂר! תְּרֵי גַּוְונֵי בָּשָׂר.

The Gemara raises an objection: Rav could not have been teaching that a piece of fish with no signs of kashrut requires two seals, as fish **is** the same as **meat,** which is already included in the list of items that require two seals. The Gemara explains that there are **two categories** of **meat:** Animal meat and fish meat. Since one might have thought that they are subject to different *halakhot,* Rav therefore teaches that both require two seals.

וּשְׁמוּאֵל אוֹמֵר: בי״ת אָסוּר בְּחוֹתָם אֶחָד, מח״ג מוּתָּר בְּחוֹתָם אֶחָד; בָּשָׂר, יַיִן, תְּכֵלֶת – אֲסוּרִין בְּחוֹתָם אֶחָד; מוֹרַיִס, חִילְתִּית, גְּבִינָה – מוּתָּרִין בְּחוֹתָם אֶחָד. לִשְׁמוּאֵל, חֲתִיכַת דָּג שֶׁאֵין בָּהּ סִימָן הַיְינוּ בָּשָׂר, תְּרֵי גַּוְונֵי בָּשָׂר לָא אָמְרִינַן.

The Gemara cites a different set of lists than that presented by Rav. **And Shmuel says:** The substances represented by the acronym ***beit, yod, tav*** are **prohibited** when sealed **with one seal;** those represented by the acronym ***mem, ḥet, gimmel,*** are **permitted** when sealed **with one seal.**[N] The Gemara explains: **Meat** [***basar***], **wine** [***yayin***], and **sky-blue dye** [***tekhelet***] **are prohibited** when sealed **with a single seal; fish stew** [***morayes***], ***ḥiltit,*** and **cheese** [***gevina***], are **permitted** when sealed **with a single seal.** The Gemara comments: **According to Shmuel, a piece of fish that has no sign** of kashrut **is** the same as **meat,** and **we do not say** that there is a difference between **two categories** of **meat.** Consequently, he does not include in his list a piece of fish that has no sign of kashrut.

תָּנוּ רַבָּנַן: אֵין לוֹקְחִין יִמ״ח מח״ג בְּסוּרְיָא – לֹא יַיִן וְלֹא מוֹרַיִס וְלֹא חָלָב, וְלֹא מֶלַח סַלְקוֹנְדָּרִית וְלֹא חִילְתִּית וְלֹא גְּבִינָה, אֶלָּא מִן הַמּוּמְחֶה; וְכוּלָּן אִם נִתְאָרַח אֵצֶל בַּעַל הַבַּיִת – מוּתָּר.

The Sages taught: One may not purchase foods represented by the acronym ***yod, mem, ḥet; mem, ḥet, gimmel*** **in Syria,**[N] not even from Jews. The Gemara elaborates: One may **not** purchase **wine** [***yayin***], **nor fish stew** [***morayes***], **nor milk** [***ḥalav***], **nor *salkondarit* salt** [***melaḥ salkondarit***], **nor *ḥiltit*, nor cheese** [***gevina***], **except** when purchased **from an expert**[H] with a reputation for knowing and upholding the *halakhot* of kashrut. **And** with regard to **all of them, if one is a guest in** the home of his **host,**[H] they are **permitted,** as a Jew is assumed to keep the *halakhot* of kashrut in his own home.

NOTES

If it is due to exchanging, etc. – אִי מִשּׁוּם אִיחֲלוּפֵי וכו׳: Rashi comments that this discussion concerning bread was placed here in error, and should instead be inserted into the discussion concerning the statement of Shmuel later on this *amud*.

Similar kinds of bread – כִּי הֲדָדֵי: Although there might be slight differences between two loaves of bread made from the same grain and of the same quality, it would not be significant enough to motivate someone to go to the trouble of exchanging them and forging a new seal.

A piece of fish that has no sign – חֲתִיכַת דָּג שֶׁאֵין בָּהּ סִימָן: Rashi explains that these fish are expensive, and therefore there is a concern that a gentile might perform an exchange. Additionally, consuming non-kosher fish violates a Torah law, whereas drinking a gentile's milk is prohibited by rabbinic law.

***Mem, ḥet, gimmel* are permitted when sealed with one seal – מח״ג מוּתָּר בְּחוֹתָם אֶחָד:** The Gemara does not explain why bread is absent from this list. Some commentaries maintain that according to Shmuel bread does not require even a single seal (Ra'avad). Others explain that Shmuel does not disagree with Rav with regard to bread, as they both hold that it requires one seal (Rashi). Rashi further maintains that the earlier passage, beginning with the question: With regard to what need we be concerned in the case of bread, actually refers to the opinion of Shmuel, not Rav, and should be transferred to this section of the Gemara. According to this interpretation, that discussion serves to explain why Shmuel does not deem it necessary even to mention that bread does not require two seals. For other explanations of that passage, see *Tosafot* and Ramban.

In Syria – בְּסוּרְיָא: The commentaries explain that the Jews of Syria did not refrain from selling non-kosher foods to other Jews. Nevertheless, they themselves kept the *halakhot* of kashrut and were careful to eat only permitted foods in their own homes.

HALAKHA

Except when purchased from an expert – אֶלָּא מִן הַמּוּמְחֶה: The Rambam writes that in talmudic times wine could be purchased from anyone in Eretz Yisrael, but outside of it only from reliable Jews. Nowadays, wine may be purchased only from those who are known to be trustworthy. This is always the *halakha* with regard to meat, cheese, and pieces of fish (see Rema).

The *Shulḥan Arukh* rules in accordance with the opinion of Rashi and the Ra'avad that one may purchase foods from anyone who is not suspected of carelessness with regard to matters of kashrut (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:25; *Shulḥan Arukh*, *Yoreh De'a* 119:1–2, and in the comment of Rema).

If one is a guest in the home of his host – וְכוּלָּן אִם נִתְאָרַח אֵצֶל בַּעַל הַבַּיִת: If one is a guest in the home of another and food and drink is brought before him, he is permitted to partake of it and need not inquire with regard to its kashrut. Similarly, food sent from a homeowner is permitted, as it is assumed that one sends only food which he himself would eat. This *halakha* is in accordance with the *baraita* and the statement of Rabbi Yehoshua ben Levi. This leniency applies only to one who is not suspected of eating non-kosher foods himself, as it is prohibited to eat the foods of such an individual (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:26; *Shulḥan Arukh*, *Yoreh De'a* 119:1–2).

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מְסַיַּיע לֵיהּ לְרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, דְּאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: שִׁגֵּר לוֹ בַּעַל הַבַּיִת לְבֵיתוֹ – מוּתָּר; מַאי טַעְמָא? בַּעַל הַבַּיִת לָא שָׁבִיק הֵיתֵּירָא וְאָכַל אִיסּוּרָא, וְכִי מְשַׁגַּר לֵיהּ, מִמַּאי דְּאָכִיל מְשַׁדַּר לֵיהּ.

The Gemara adds: This **supports** the statement of **Rabbi Yehoshua ben Levi, as Rabbi Yehoshua ben Levi says:** If **a homeowner sent** someone a package of food **to his house,** the food is **permitted. What is the reason?** It is because **a homeowner does not leave aside permitted** foods **and eat prohibited** foods, **and when he sends** food **to** another, **he sends** it **from that which he eats** himself, even though one may not be allowed to purchase food from that individual.

״וּמֶלַח סַלְקוֹנְדָּרִית״. מַאי מֶלַח סַלְקוֹנְדָּרִית? אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: מֶלַח שֶׁכָּל סַלְקוֹנְדָּרֵי רוֹמִי אוֹכְלִין אוֹתָהּ. תָּנוּ רַבָּנַן: מֶלַח סַלְקוֹנְדָּרִית – שְׁחוֹרָה אֲסוּרָה, לְבָנָה מוּתֶּרֶת, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי יְהוּדָה אוֹמֵר: לְבָנָה אֲסוּרָה, שְׁחוֹרָה מוּתֶּרֶת; רַבִּי יְהוּדָה בֶּן גַּמְלִיאֵל מְשׁוּם רַבִּי חֲנִינָא בֶּן גַּמְלִיאֵל אוֹמֵר: זוֹ וְזוֹ אֲסוּרָה.

§ The mishna teaches that ***salkondarit*** [LN] **salt** is prohibited. The Gemara asks: **What** is ***salkondarit* salt? Rav Yehuda says** that **Shmuel says:** It is the **salt that all Roman bakers** [*salkondarei*] [LN] **eat. The Sages taught:** With regard to ***salkondarit* salt, black** salt is **prohibited,** whereas **white** salt is **permitted;** this is **the statement of Rabbi Meir. Rabbi Yehuda says: White** salt is **prohibited; black** salt is **permitted.** The Gemara cites a third opinion: **Rabbi Yehuda ben Gamliel says in the name of Rabbi Ḥanina ben Gamliel: This and that,** i.e., both white and black *salkondarit* salt, are **prohibited.**

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: לְדִבְרֵי הָאוֹמֵר לְבָנָה אֲסוּרָה, קֵירְבֵי דָּגִים לְבָנִים טְמֵאִים מְעוֹרָבִין בָּהּ; לְדִבְרֵי הָאוֹמֵר שְׁחוֹרָה אֲסוּרָה, קֵירְבֵי דָּגִים שְׁחוֹרִים טְמֵאִים מְעוֹרָבִין בָּהּ;

The Gemara cites an explanation of this dispute. **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: According to the statement of the one who says** that **white** *salkondarit* salt is **prohibited,** it is suspected that **the intestines of white non-kosher fish are mixed in it,** and this is the reason for the prohibition. **According to the statement of the one who says** that **black** salt is **prohibited,** it is suspected that **the intestines of black non-kosher fish are mixed in it.**

לְדִבְרֵי הָאוֹמֵר זוֹ וְזוֹ אֲסוּרָה, זֶה וְזֶה מְעוֹרָבִין בָּהּ. אָמַר רַבִּי אַבָּהוּ מְשׁוּם רַבִּי חֲנִינָא בֶּן גַּמְלִיאֵל: זָקֵן אֶחָד הָיָה בִּשְׁכוּנָתֵנוּ, שֶׁהָיָה מַחֲלִיק פָּנֶיהָ בְּשׁוּמַן חֲזִיר.

According to the statement of the one who said this and that are **prohibited,** he is concerned that **this and that,** i.e., the intestines of both white and black fish, **are mixed in** white and black salt, respectively. The Gemara mentions an additional problem with *salkondarit* salt: **Rabbi Abbahu says in the name of Rabbi Ḥanina ben Gamliel: There was a certain elder in our neighborhood who would smooth its surface with pig fat.**

״הֲרֵי אֵלּוּ אֲסוּרִים״. לְמַעוּטֵי מַאי? לְחִזְקִיָּה – לְמַעוּטֵי בְּיָדוּעַ, לְרַבִּי יוֹחָנָן – לְמַעוּטֵי מוֹרַיִס וּגְבִינַת בֵּית אוּנְיָקִי, וּסְתָמָא כְּרַבִּי מֵאִיר.

§ The mishna further teaches that the list of items it mentioned **are** all **prohibited.** The Gemara asks: Since the mishna began by stating that the items it lists are prohibited for consumption, **what** does this apparently redundant conclusion serve **to exclude?** The Gemara answers: **According to** the opinion of **Ḥizkiyya** cited on 38b, it serves **to exclude** cases **where it is known** that wine of gentiles' was added to the foods, as one may not even derive benefit from such foods. **According to** the opinion of **Rabbi Yoḥanan,** it serves **to exclude fish stew and cheese of Beit Unyaki,** as it is prohibited to derive benefit from these, **and** accordingly, the **unattributed** statement in this mishna is **in accordance with** the opinion of **Rabbi Meir,** cited in the previous mishna (29b).

LANGUAGE

Salkondarit – סַלְקוֹנְדָּרִית: The origin and precise meaning of this word are unknown. Some suggest that it comes from the Latin sal conditum, a salt seasoned with various herbs used for medicinal as well as culinary purposes. Alternatively, it is from the Greek ἅλς χονδρός, *als khondros*, a salt that comes in large granular chunks.

Bakers [*salkondarei*] – סַלְקוֹנְדָּרֵי: This term is also subject to much dispute. Some suggest that it comes from the Latin selectus, meaning those who are gathered. If so, it refers to distinguished individuals who are singled out to participate in political and governmental gatherings.

NOTES

Roman bakers [*salkondarei Romi*] – סַלְקוֹנְדָּרֵי רוֹמִי: Rashi explains that *salkondarei* refers to bakers. There are slightly different versions of this term, *saloki* or *salotki* (*Arukh*), according to which the Gemara is referring to various pickled and salted foods that were made with this salt. Some claim that this refers to distinguished Roman citizens (Ra'ah; Rabbi Ovadya Bartenura).

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מתני׳ וְאֵלּוּ מוּתָּרִין בַּאֲכִילָה: חָלָב שֶׁחָלָבוֹ גּוֹי וְיִשְׂרָאֵל רוֹאֵהוּ, וְהַדְּבַשׁ, וְהַדְּבְדְּבָנִיּוֹת אַף עַל פִּי שֶׁמְּנַטְּפִין אֵין בָּהֶן מִשּׁוּם הָכְשֵׁר מַשְׁקֶה, וּכְבָשִׁין שֶׁאֵין דַּרְכָּן לָתֵת לְתוֹכָן יַיִן וְחוֹמֶץ, וְטָרִית שֶׁאֵינָהּ טְרוּפָה, וְצִיר שֶׁיֵּשׁ בָּהּ דָּגָה, וְעָלֶה שֶׁל חִילְתִּית, וְזֵיתֵי גְלוּסְקָאוֹת הַמְגוּלְגָּלִין.

MISHNA

And these are permitted for consumption: Milk that was milked by a gentile[H] **and a Jew watched him** doing so; **and honey;**[H] **and grape clusters** [*davdevaniyyot*][NLH] which, **despite the fact that they are dripping**[N] juice, **are not subject to** the *halakhot* of **susceptibility** to ritual impurity caused by contact with that **liquid; and pickled** vegetables **whose** usual **manner** of preparation **does not** involve **adding wine and vinegar to them; and *tarit*** fish **that is not minced; and brine that has fish in it; and the leaf of a *ḥiltit*** plant; **and rolled olive cakes** [*geluskaot*].[LH]

רַבִּי יוֹסֵי אוֹמֵר: הַשְּׁלָחִין אֲסוּרִין. הַחֲגָבִים הַבָּאִים מִן הַסְּלוּלָה – אֲסוּרִין, מִן הַהֶפְתֵּק – מוּתָּרִין. וְכֵן לִתְרוּמָה.

Rabbi Yosei says: Overripe olives **are prohibited. Locusts that come from** a salesman's **basket**[NH] **are prohibited,** whereas those that come **from the storeroom** [*heftek*][NL] **are permitted; and likewise with regard to the portion of the produce designated for the priest** [*teruma*], as will be explained in the Gemara.

גמ׳ תָּנֵינָא לְהָא דְּתָנוּ רַבָּנַן: יוֹשֵׁב יִשְׂרָאֵל בְּצַד עֲדָרוֹ שֶׁל גּוֹי, וְגוֹי חוֹלֵב וּמֵבִיא לוֹ, וְאֵינוֹ חוֹשֵׁשׁ. הֵיכִי דָּמֵי? אִי דְּלֵיכָּא דָּבָר טָמֵא בְּעֲדָרוֹ, פְּשִׁיטָא! וְאִי דְּאִיכָּא דָּבָר טָמֵא בְּעֲדָרוֹ, אַמַּאי?

GEMARA

We learn from the mishna **that which the Sages taught** explicitly in a *baraita*: **A Jew may sit beside a gentile's flock and** wait while **the gentile milks** his animals **and brings** the milk **to** the Jew, **and he not** need **be concerned,** even if he cannot see the milking process from his seated position. The Gemara asks: **What are the circumstances** of this case? **If** it is known **that there is no non-kosher** animal **in** the gentile's **flock,** isn't it **obvious** that the milk is permitted? Why would the *baraita* teach an obvious *halakha*? **And if there is a non-kosher** animal **in his flock,** then **why** is the milk permitted, considering the fact that the Jew could not see the gentile from where he sat?

לְעוֹלָם דְּאִיכָּא דָּבָר טָמֵא, וְכִי קָאֵי חָזֵי לֵיהּ, וְכִי יָתֵיב לָא חָזֵי לֵיהּ; מַהוּ דְּתֵימָא: כֵּיוָן דְּיָתֵיב לָא חָזֵי לֵיהּ, נֵיחוּשׁ דִּלְמָא מַיְיתֵי וּמְעָרֵב בֵּיהּ, קָא מַשְׁמַע לָן: כֵּיוָן דְּכִי קָאֵי חָזֵי לֵיהּ, אֵירְתּוּתֵי מֵירְתַּת וְלָא מֵיעָרֵב בֵּיהּ.

The Gemara explains: **Actually,** this is referring to a case **where there is a non-kosher** animal in the flock, **and when** the Jew **is standing he can see** the gentile, **but when he is sitting he cannot see** the gentile. **Lest you say: Since** when the Jew **is sitting, he cannot see** the gentile, **we should be concerned** that **perhaps** the gentile **will bring** non-kosher milk **and mix it** with the kosher milk, the *baraita* therefore **teaches us** that **since when** the Jew **is standing, he can see him,** the gentile **is fearful** of being caught **and does not mix** anything **into** the milk.

NOTES

Grape clusters – דְּבְדְּבָנִיּוֹת: Some commentaries explain that these are clusters of grapes which are so ripe that droplets of grape juice seep out of them (Ra'avad). Alternatively, *davdevaniyyot* refers to clusters that have been slightly crushed and therefore exude droplets of juice (Rid). Yet others explain that they are honeycombs which drip honey (Rambam); accordingly, the mishna is teaching that although honey is generally classified as one of the seven liquids that enable food to contract ritual impurity, the droplets are considered solid foods as long as they remain in the honeycomb.

That they are dripping – שֶׁמְּנַטְּפִין: According to many commentaries the mishna is teaching that any moisture found on these grapes is assumed to be their own juices rather than droplets of gentiles' wine (Ra'avad; Rabbi Shimshon of Saens). Others maintain that the mishna is teaching that the juice dripping from the grapes does not have the halakhic status of wine, and therefore the gentile does not render it prohibited by touching it (Rid).

Salesman's basket [*selula*] – סְלוּלָה: Most commentaries maintain that this refers to a kind of basket that storeowners would place in front of them, from which items were purchased directly. Alternatively, *selula* refers to pavement or sidewalk (Ra'avad); accordingly, the mishna is teaching that locusts sold by a street merchant are prohibited.

Storeroom – הֶפְתֵּק: Rashi explains that this was a place where locusts were stored in piles before they were sold. Alternatively, it is a large vessel used for holding locusts (*Arukh*, citing Rav Hai Gaon). The gentile would not pour wine over the locusts until immediately before he would sell them, so that the wine would not cause them to spoil.

LANGUAGE

Grape clusters [*davdevaniyyot*] – דְּבְדְּבָנִיּוֹת: From the root *dalet*, *beit*, *beit*, or *dalet*, *vav*, *beit*, meaning flow or seep. If so, *davdevaniyyot* refers to fruits that have ripened to the point that their juices drip out of them. Alternatively, the reference is to a kind of cherry, *duvdevan* (*Arukh*).

Cakes [*geluskaot*] – גְּלוּסְקָאוֹת: From the Greek κόλλιξ, *kollix*, a round bread. In this context, its meaning is apparently derived from the original Greek root, which means to attach or stick together. Accordingly, the mishna is referring to soft olives that were pressed together to form cake-like circles.

Storeroom [*heftek*] – הֶפְתֵּק: From the Greek ἀποθήκη, *apothēkē*, a place used for storing items.

HALAKHA

Milk that was milked by a gentile – חָלָב שֶׁחָלָבוֹ גּוֹי: If a gentile milked a kosher animal, that milk is prohibited, due to the concern that he might have added a non-kosher substance to it. If a Jew supervises the milking process the milk is permitted, even if the supervision is not continuous. Furthermore, if it is known that the gentile has no non-kosher animals in his flock, the milk is permitted even if there was no supervision, provided that a Jew ensures that the gentile does not bring in any non-kosher substances (*Taz*). These leniencies apply only if the gentile is aware that non-kosher milk is prohibited to Jews. The Rema writes that it is preferable for a Jew to supervise the milking process from the start, to ensure that there were no prohibited substances in the receptacle used for holding the milk (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:17; *Shulḥan Arukh*, *Yoreh De'a* 115:1, and in the comment of Rema).

Honey – הַדְּבַשׁ: Honey belonging to gentiles is permitted even if it was cooked, as there is no concern for the cooking of gentiles, or that the honey might have absorbed prohibited taste from vessels of gentiles that require purging (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:23; *Shulḥan Arukh*, *Yoreh De'a* 114:7).

Grape clusters, etc. – דְּבְדְּבָנִיּוֹת וכו׳: Grape clusters that belong to gentiles are permitted even if the grapes are so ripe that juice seeps out of them. The *halakha* is the same with regard to pickled vegetables to which wine and vinegar have not been added, and *tarit* fish that has not been minced, as well as *ḥiltit* leaves, and fish brine that has a kosher fish in it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:23–24; *Shulḥan Arukh*, *Yoreh De'a* 114:9).

Rolled olive cakes, etc. – זֵיתֵי גְלוּסְקָאוֹת וכו׳: Rolled olive cakes of gentiles are permitted, even if they are so soft that their pits are coming out of them. One need not be concerned that the gentile might have poured wine on them (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:24; *Shulḥan Arukh*, *Yoreh De'a* 114:8, and in the comment of Rema).

Locusts that come from a salesman's basket – חֲגָבִים הַבָּאִים מִן הַסְּלוּלָה: Kosher locusts that a gentile has preserved are permitted if they are brought from the storeroom, but not if they come from a shop, as there is a concern that wine might have been sprinkled on them (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:24; *Shulḥan Arukh*, *Yoreh De'a* 114:8, and in the comment of Rema).

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HALAKHA

One who harvests grapes in order to take them to the press, etc. – בּוֹצֵר לַגַּת וכו׳: Grapes that are harvested to be sold in the market are not rendered susceptible to ritual impurity even if there is moisture on them. Grapes harvested to be crushed in the press are rendered susceptible to ritual impurity if there is moisture on them (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 11:1).

Any fish whose head and spine are recognizable – כָּל שֶׁרֹּאשׁ וְשִׁדְרָה נִיכָּר: One may not eat sliced fish purchased from a gentile unless the head and spine are recognizable (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:23; *Shulḥan Arukh*, *Yoreh De'a* 83:4).

Any brine that has one *kilbit*, etc. – כָּל שֶׁכִּילְבִית אַחַת וכו׳: One may eat fish brine purchased from a gentile only if a *kilbit* is found in it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:22; *Shulḥan Arukh*, *Yoreh De'a* 83:6).

NOTES

Head and spine – רֹאשׁ וְשִׁדְרָה: Rashi states that the head of non-kosher fish is distinct from that of a kosher fish, and that non-kosher fish also have no vertebrae. Many other commentaries are perplexed by this comment, as it is known that these are not the signs of a kosher fish. Some explain that the Gemara is not saying that these are signs of kashrut. Rather, one can tell what species of fish a particular piece came from by looking at its head and spine (Ra'avad).

***Kilbit* – כִּילְבִית:** Rashi explains that this is a small fish that develops only within the brine of kosher fish, and therefore its presence indicates that the brine is kosher. Many commentaries are puzzled by this interpretation, maintaining that this idea is not logically tenable, nor does it reflect reality (Ritva; see Ramban). Some explain that *kilbit* is a small, kosher fish (Rambam; Ramban; Rabbeinu Ḥananel). Rabbeinu Ḥananel explains that when selling brine, fishermen would add pieces of the fish from which it was made. The *baraita* is teaching that one may trust that these fishermen will not add a different kind of fish to the brine.

LANGUAGE

***Kilbit* – כִּילְבִית:** Other versions of the text read *kilkit*. Either way, the word is apparently from the Greek χαλκίς, *khalkis*, a small fish which is very likely a kind of sardine. The Sages apparently reasoned that since *kilbit* fish are found in large schools, it can be assumed that all the other fish mixed in the brine are also *kilbit*, even if they have no signs of kashrut.

״וְהַדְּבַשׁ״. דְּבַשׁ לְמַאי נִיחוּשׁ לָהּ? אִי מִשּׁוּם אִיעֲרוּבֵי – מִיסְרָא סָרֵי, אִי מִשּׁוּם בִּישּׁוּלֵי גּוֹיִם – נָאֵכָל כְּמוֹ שֶׁהוּא חַי, אִי מִשּׁוּם גִּיעוּלֵי גּוֹיִם – נוֹתֵן טַעַם לִפְגָם הוּא וּמוּתָּר.

§ The mishna teaches: **And the honey** of gentiles is permitted. The Gemara explains: **For what** need we **be concerned with regard to honey? If** it is **due to** the concern that a gentile might **mix** wine with it, honey **spoils** when it is mixed with wine, and therefore a gentile would not do so. **If** it is **due to the cooking of gentiles,** this too does not apply, because **it is eaten as it is,** i.e., **raw. If** it is **due to** the concern that the honey might have absorbed prohibited taste from vessels of **gentiles** that require **purging,** this does not apply either, as it **is** a prohibited substance that **imparts flavor to** the **detriment** of the mixture, **and** such a case **is permitted.** Since none of these concerns are relevant, the honey is permitted.

״וְהַדִּבְדְּבָנִיּוֹת אַף עַל פִּי שֶׁמְּנַטְּפוֹת אֵין בָּהֶן מִשּׁוּם הֶכְשֵׁר מַשְׁקֶה״. וּרְמִינְהִי: הַבּוֹצֵר לַגַּת – שַׁמַּאי אוֹמֵר: הוּכְשַׁר, הִלֵּל אוֹמֵר: לֹא הוּכְשַׁר, וְאוֹדֵי לֵיהּ הִלֵּל לְשַׁמַּאי!

§ The mishna further teaches: **And grape clusters** which, **despite the fact that they are dripping** juice, **are not subject** to the *halakhot* of **susceptibility to** ritual impurity caused by contact with that **liquid. And** the Gemara **raises a contradiction** from the following *baraita*: With regard to **one who harvests** grapes in order to take them **to the press**[H] and crush them, there is a dispute as to whether or not the liquid that seeps from the grapes renders them susceptible to ritual impurity. **Shammai says: It has become susceptible** to ritual impurity, and **Hillel says: It has not become susceptible. And** eventually **Hillel conceded to** the opinion of **Shammai.** This shows that the juice that seeps out of grapes does render them susceptible to ritual impurity, which apparently contradicts the ruling of the mishna.

הָתָם קָא בָּעֵי לֵיהּ לְמַשְׁקֶה, הָכָא לָא קָא בָּעֵי לֵיהּ לְמַשְׁקֶה.

The Gemara explains: **There,** in the case of the *baraita*, **he wants** the juice **as a beverage,** and one's intention influences the capability of certain liquids to render substances susceptible to ritual impurity. Therefore, the liquid that seeps from the grapes renders them susceptible to ritual impurity. **Here,** in the case of the mishna, **he does not want** the juice **as a beverage,** and therefore the grapes are not rendered susceptible to impurity.

״וְטָרִית שֶׁאֵינָהּ טְרוּפָה״. תָּנוּ רַבָּנַן: אֵיזוֹ הִיא טָרִית שֶׁאֵינָהּ טְרוּפָה? כָּל שֶׁרֹּאשׁ וְשִׁדְרָה נִיכָּר; וְאֵיזוֹ צִיר שֶׁיֵּשׁ בָּהּ דָּגָה? כָּל שֶׁכִּילְבִית אַחַת אוֹ שְׁתֵּי כִילְבִיּוֹת

§ The mishna further teaches: **And *tarit*** fish **that is not minced** and brine that has fish in it are permitted. **The Sages taught: What is** considered ***tarit* that has not been minced? Any** fish whose **head and spine**[N] **are recognizable.**[H] **And what is** considered **brine that has fish in it? Any** brine **that** has **one *kilbit***[HNL] **or two *kilbiyot***

Perek **II**
Daf **40** Amud **a**

NOTES

Here in open, etc. – כָּאן בִּפְתוּחוֹת וכו׳: Some commentaries explain that in principle a single *kilbit* is sufficient to permit fish brine for consumption, but in a case of open barrels two are required because it is possible that the presence of a single fish is merely incidental (Rashi; Rif). Others maintain the reverse: Generally, two *kilbiyot* are required, but a leniency is afforded with regard to a sealed barrel, as it is possible that one of the two fish fell out before it was sealed (*Tosafot*, citing Rabbeinu Efrayim).

שׁוֹטְטוֹת בּוֹ. דְּתָנְיָא כִּילְבִית אַחַת אָמְרַתְּ שָׁרֵי, שְׁתֵּי כִילְבִיּוֹת מִבָּעְיָא? לָא קַשְׁיָא: כָּאן בִּפְתוּחוֹת, כָּאן בִּסְתוּמוֹת.

floating in it. The Gemara asks: **Now** that **you have said** that brine which has only **one *kilbit*** in it is **permitted, is it necessary** to teach that brine that has **two *kilbiyot*** in it is also permitted? The Gemara explains that it is **not difficult: Here,** two *kilbiyot* are required to permit the brine, as it is contained **in open**[NH] barrels, but **there,** only one is required, since it is **in sealed** barrels.

HALAKHA

Here in open, etc. – כָּאן בִּפְתוּחוֹת וכו׳: A sealed barrel of fish that has a single *kilbit* in it is permitted, whereas an open barrel requires two such fish to be permitted. Some write that if one of many open barrels is found to have a *kilbit* in it, all are permitted, but if one of several sealed barrels is found to have a *kilbit*, only that one is permitted. If two of the sealed barrels have a *kilbit* in them, all are permitted. This is in accordance with the Rambam's interpretation of this discussion, and Rabbeinu Ḥananel's explanation of the *kilbit* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:23; *Shulḥan Arukh*, *Yoreh De'a* 83:6).

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אִיתְּמַר, רַב הוּנָא אָמַר: עַד שֶׁתְּהֵא רֹאשׁ וְשִׁדְרָה נִיכָּר, רַב נַחְמָן אָמַר: אוֹ רֹאשׁ אוֹ שִׁדְרָה. מְתִיב רַב עוּקְבָא בַּר חָמָא: וּבְדָגִים – כָּל שֶׁיֵּשׁ לוֹ סְנַפִּיר וְקַשְׂקֶשֶׂת! אֲמַר אַבָּיֵי: כִּי תַּנְיָא הַהִיא – בְּאָרָאָה וּפַלְמוּדָא, דְּדָמוּ רֵישַׁיְיהוּ לִטְמֵאִים.

§ **It was stated** that **Rav Huna says:** *Tarit* is not permitted for consumption **until** its **head and spine**[NH] are **recognizable. Rav Naḥman says:** It is permitted if **either** the **head or** the **spine** is recognizable. **Rav Ukva bar Ḥama raises an objection** from a mishna (*Ḥullin* 59a): **And with regard to fish, any that has**[N] **fins and scales**[H] is permitted. Evidently, the kashrut of fish is determined only by its fins and scales, not its head or its spine. **Abaye said: When that** mishna **is taught,**[N] it is **in** reference to the ***ara'a*** **and *falmuda*** fish, **whose heads are similar to** the heads of **non-kosher** fish.

אֲמַר רַב יְהוּדָה מִשְּׁמֵיהּ דְּעוּלָּא: מַחֲלוֹקֶת לְטַבֵּל בְּצִירָן, אֲבָל בְּגוּפָן – דִּבְרֵי הַכֹּל אָסוּר, עַד שֶׁיְּהֵא רֹאשׁ וְשִׁדְרָה נִיכָּר. אֲמַר רַבִּי זֵירָא: מֵרֵישׁ הֲוָה מְטַבֵּילְנָא בְּצִירָן, כֵּיוָן דִּשְׁמַעְנָא לְהָא דַּאֲמַר רַב יְהוּדָה מִשְּׁמֵיהּ דְּעוּלָּא: מַחֲלוֹקֶת לְטַבֵּל בְּצִירָן, אֲבָל בְּגוּפָן דִּבְרֵי הַכֹּל אָסוּר עַד שֶׁיְּהֵא רֹאשׁ וְשִׁדְרָה נִיכָּר – בְּצִירָן נַמִּי לֹא מְטַבֵּילְנָא.

The Gemara analyzes the dispute between Rav Huna and Rav Naḥman. **Rav Yehuda said in the name of Ulla:** The **dispute** applies **to dipping** foods **in their brine,**[N] **but with regard to** eating **their** actual **bodies, everyone agrees** that it is **prohibited until** both the **head and** the **spine** are **recognizable.** The Gemara notes that **Rabbi Zeira said: Originally, I would dip** foods **in their brine,** but **once I heard that which Rav Yehuda said in the name of Ulla:** The **dispute** is only with regard **to dipping** foods **in their brine, but with regard to** eating **their** actual **bodies everyone agrees** that it is **prohibited until** both the **head and** the **spine** are **recognizable; I too no** longer **dip** foods **in their brine.**[N]

אֲמַר רַב פַּפָּא, הִלְכְתָא: עַד שֶׁיְּהֵא רֹאשׁ וְשִׁדְרָה נִיכָּר שֶׁל כָּל אַחַת וְאַחַת. מֵיתִיבִי: חֲתִיכוֹת שֶׁיֵּשׁ בָּהֶן סִימָן, בֵּין בְּכוּלָּן בֵּין בְּמִקְצָתָן, וַאֲפִילּוּ בְּאֶחָד מִמֵּאָה שֶׁבָּהֶן – כּוּלָּן מוּתָּרוֹת; וּמַעֲשֶׂה בְּגוֹי אֶחָד שֶׁהֵבִיא גָּרָב שֶׁל חֲתִיכוֹת וְנִמְצָא סִימָן בְּאַחַת מֵהֶן, וְהִתִּיר רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אֶת הַגָּרָב כּוּלּוֹ!

Rav Pappa said: The ***halakha*** is that *tarit* is prohibited **until** the **head and spine of each and every**[N] fish is **recognizable.** The Gemara **raises an objection** to Rav Pappa's statement from a *baraita*: With regard to **pieces** of fish **that have a sign** of kashrut,[H] **whether** this sign is present **in all of them or** only **in a minority of them, and even** if it is present **in** only **one** fish **out of one hundred of them, they are all permitted. And** there was **an incident involving a certain gentile who brought a large jug of pieces** of fish, **and a sign** of kashrut **was found in one of them, and Rabban Shimon ben Gamliel permitted the entire jug** of fish. This apparently contradicts Rav Pappa's assertion that all the pieces must be recognizable for them to be permitted.

תִּרְגְּמָהּ רַב פַּפָּא: כְּשֶׁחֲתִיכוֹת שָׁווֹת. אִי הָכִי, מַאי לְמֵימְרָא? מַהוּ דְּתֵיתֵי מָצָא: נֵיחוּשׁ דִּלְמָא אִתְרְמֵי, קָא מַשְׁמַע לָן.

Rav Pappa interpreted that *baraita* as referring to a case **where the pieces correspond** to each other, i.e., they fit together so that it is clear that they are all from the same fish. The Gemara raises a difficulty: **If that is so, what** is the purpose **of stating** this explicitly? It the pieces correspond it is obvious that they are permitted, as they evidently come from the same kosher fish. The Gemara explains that this was taught **lest you say** that one should **be concerned** that **perhaps** the pieces merely **happened** to fit together; the *baraita* therefore **teaches us** that in such a case the pieces are permitted.

NOTES

Until its head and spine, etc. – עַד שֶׁתְּהֵא רֹאשׁ וְשִׁדְרָה וכו': Rashi explains that this refers to signs of kashrut found on the head and spine of *tarit*. Others add that according to Rav Huna certain non-kosher fish have vertebrae, and therefore both signs are required (cited by Ramban). Alternatively, both Rav Huna and Rav Naḥman agree that a kosher fish is distinguishable by either its head or spine, and their dispute concerns a case where the fish is split: Can one rely on the sign of kashrut found in one part with regard to the other part, if the two sections correspond?

Others contend that these Sages are not referring to signs of kashrut at all. Rather, the issue is whether the identity of a particular species of kosher fish can be successfully determined by examination of either its head or spine, or whether both must be examined (Ra'avad; Ra'ah).

And with regard to fish, any that has, etc. – וּבְדָגִים כָּל שֶׁיֵּשׁ לוֹ וכו': Rashi explains that this presents a difficulty according to the opinions of both Rav Huna and Rav Naḥman, as the mishna teaches that the only signs of kashrut for fish are the possession of fins and scales. The Ra'avad, based on his interpretation of the dispute between Rav Huna and Rav Naḥman, explains that there is no difficulty according to the opinion of Rav Huna, as fins grow near the head while scales are found on the spine. But according to Rav Naḥman it is difficult, because scales are not found on the head of a fish, and therefore it is impossible to determine its kashrut based on examination of the head alone.

When that mishna is taught – כִּי תַּנְיָא הַהִיא: In other words, although the possession of fins and scales is the only universal sign of kosher fish, this sign is necessary only to determine the halakhic status of specific species of fish whose head is similar to the heads of non-kosher fish, and according to Rav Naḥman, species of fish whose spine is similar to the spines of non-kosher fish (Ramban). According to the Ra'avad, Abaye is teaching that kosher fish which can be identified by distinguishing marks on their heads and spines may be eaten even though no fins and scales are found (see Ramban, and Rashba in *Torat HaBayit*).

The dispute applies to dipping foods in their brine – מַחֲלוֹקֶת לְטַבֵּל בְּצִירָן: Concerning the reason for leniency with regard to the brine, as opposed to the fish themselves, the early commentaries offer several explanations. The Ramban, Ra'avad, and others explain that while the fish are prohibited by Torah law, the brine is prohibited by rabbinic law. The Rid explains that the reason for leniency is that it is possible that not all of the brine came from the non-kosher fish (see *Tosafot*).

I too no longer dip foods in their brine – בְּצִירָן נַמִּי לֹא מְטַבֵּילְנָא: Rabbi Zeira held that the *halakha* was in accordance with the opinion of Rav Huna, i.e., both the head and spine must be recognized. Nevertheless, he had originally thought that the dispute between Rav Huna and Rav Naḥman pertains only to the fish themselves. Upon learning that the dispute refers to the brine, he refrained from eating it.

Of each and every – שֶׁל כָּל אַחַת וְאַחַת: In other words, the pieces themselves are prohibited until each is identified. Some commentaries contend that Rav Pappa is referring to the brine, i.e., the brine remains prohibited until all the fish in the barrel have been identified (Rabbeinu Ḥananel).

HALAKHA

Until its head and spine, etc. – עַד שֶׁתְּהֵא רֹאשׁ וְשִׁדְרָה וכו': The presence of a *kilbit* permits a barrel of brine if its head and spine can be seen (Rambam). Similarly, one may purchase minced *tarit* from a gentile if the head and spine of a kosher fish can be identified. This is in accordance with the statements of Rav Huna and Rav Pappa.

The Rema writes that brine in which a wide head and a spine are found is permitted, as it can be assumed that this fish possessed fins and scales. If the fish is whole but has no discernible scales, one may not permit it due to its spine and the shape of its head (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:23; *Shulḥan Arukh*, *Yoreh De'a* 83:4, and in the comment of Rema, and *Shakh* and *Beur HaGra* there).

That has fins and scales – שֶׁיֵּשׁ לוֹ סְנַפִּיר וְקַשְׂקֶשֶׂת: The Torah states explicitly that a fish which possesses fins and scales is kosher. The Rema writes that a fish is considered to have scales only if the scales can be peeled from the skin either by hand or with some sort of utensil; if the scales cannot be removed in this manner, the fish is not kosher (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 1:24; *Shulḥan Arukh*, *Yoreh De'a* 83:1, and see *Pitḥei Teshuva* there).

Pieces of fish that have a sign of kashrut, etc. – חֲתִיכוֹת שֶׁיֵּשׁ בָּהֶן סִימָן וכו': A barrel full of pieces that can be identified as coming from a single type of fish is permitted if one of the pieces has scales. If the pieces come from different species of fish, only the piece possessing scales is permitted. This *halakha* is in accordance with Rav Pappa's explanation of the *baraita* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:24; *Shulḥan Arukh*, *Yoreh De'a* 83:4).

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LANGUAGE

Tzaḥanta – צַחֲנְתָּא: From the Aramaic root *tzadi*, *ḥet*, *nun*, similar to the Arabic صحناءة, *ṣiḥnā'ah*, which refers to small, salted fish.

BACKGROUND

Sikhra – סִיכְרָא: A commercial city that was apparently located on the west bank of the Tigris River, north of Meḥoza, and was connected to other regions via a series of nearby water canals. The *amora* Rav Ḥiyya bar Yosef, a student of Rav, served as rabbi of this city.

NOTES

Saw that they had scales on them – וַחֲזָא בֵּיהּ קַלְּפֵי: This particular boat was carrying only one species of fish. Once Rav Huna bar Ḥinnana saw the scales, he presumed that a kosher fish had shed them and therefore permitted the entire load.

From three verses [*kera'ei*] – מִתְּלָתָא קְרָאֵי: Rashi explains that this was an expression of reverence. An alternative version of the text reads *kira'i*, from the Greek κύριοι, *kurioi*, meaning masters (*Arukh*).

Only from an expert – אֶלָּא מִן הַמּוּמְחֶה: The Ramban notes that according to Rashi this refers to an individual who is knowledgeable about fish and is able to differentiate between the different kinds of kosher and non-kosher fish. The Ramban himself claims that the expert mentioned in this context is identical to the one referred to on 39b, i.e., someone who is known to be trustworthy and does not purchase fish from gentiles. The Ramban cites a proof for his opinion from the Jerusalem Talmud.

HALAKHA

Fish intestines and their roe, etc. – קֵירְבֵי דָּגִים וְעוּבָּרָן וכו': Fish roe and intestines may be purchased only from an expert. This *halakha* is in accordance with the opinion of Rav. An expert in this context is defined as one who is known not to purchase these items from a gentile. Nowadays, the convention has become to purchase red fish roe from anyone, whether or not the roe has melted together, but to avoid black fish roe in all cases (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:20; *Shulḥan Arukh*, *Yoreh De'a* 83:7–8).

Like the signs of bird eggs, so are the signs of fish roe, etc. – כְּסִימָנֵי בֵיצִים כָּךְ סִימָנֵי עוּבְּרֵי דָּגִים וכו': A bird egg whose ends are both rounded or both pointed, or whose yolk appears outside its albumen, is prohibited. If one end is round and the other pointed, and the yolk appears within the albumen, the egg may or may not be kosher. The *halakha* is the same with regard to fish roe, as well as intestines, according to all authorities except for the Rambam (*Maggid Mishne*).

If the seller explains which bird a particular egg comes from and claims that it is kosher, one may trust him and consume the egg. According to the Rambam, this seller must be Jewish. But if the seller merely claims that the egg is kosher but does not identify the type of bird from which it came, one may not rely upon his statement. This ruling is in accordance with the conclusion of the Gemara in tractate *Ḥullin* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:18, 20; *Shulḥan Arukh*, *Yoreh De'a* 83:8, 86:1–2).

הַהוּא אִרְבָּא דְּצַחֲנְתָּא דְּאָתֵי לְסִיכְרָא, נְפַק רַב הוּנָא בַּר חִינָּנָא וַחֲזָא בֵּיהּ קַלְּפֵי, וְשָׁרְיֵיהּ. אֲמַר לֵיהּ רָבָא: וּמִי אִיכָּא דְּשָׁרֵי כְּהַאי גַּוְונָא בְּאַתָרָא דִּשְׁכִיחִי קַלְּפֵי? נְפַק שִׁיפּוּרֵי דְּרָבָא וְאָסַר, שִׁיפּוּרֵי דְּרַב הוּנָא בַּר חִינָּנָא וְשָׁרֵי.

The Gemara relates that there was **a certain ship** carrying ***tzaḥanta***[L] **which came to** the city of **Sikhra.**[B] **Rav Huna bar Ḥinnana went out and saw** that the fish had **scales on them**[N] **and permitted them,** as any fish with scales is kosher. **Rava said to him: But is there anyone who permits** *tzaḥanta* in **a case like this,** when it is from **a land where** fish with **scales are common** and it is very possible that the scales are from kosher fish that had been in the boat previously? ***Shofarot* went out** from the court **of Rava** to herald a declaration promulgating his ruling, **and he** thereby **prohibited** all the fish on that boat. And ***shofarot*** went out from the court **of Rav Huna bar Ḥinnana, and he** thereby **permitted** the fish.

אֲמַר רַב יִרְמְיָה מִדִּפְתִּי, לְדִידִי אֲמַר לִי רַב פַּפָּא: כִּי שָׁרָא רַב הוּנָא בַּר חִינָּנָא – בְּצִירָן, אֲבָל בְּגוּפָן – לָא. אֲמַר רַב אַשִׁי, לְדִידִי אֲמַר לִי רַב פַּפָּא: כִּי שָׁרָא רַב הוּנָא בַּר חִינָּנָא – אֲפִילּוּ בְּגוּפָן;

The Gemara presents two interpretations of the above ruling. **Rav Yirmeya of Difti said: Rav Pappi said to me** that **when Rav Huna bar Ḥinnana permitted** the fish on the ship, he was referring only **to their brine, but with regard to their bodies, no,** he did not permit them. **Rav Ashi said: Rav Pappa said to me** that **when Rav Huna bar Ḥinnana permitted** the fish, he was referring **even to their bodies.**

וַאֲנָא לָא מֵיסַר אָסְרִינָא – דְּקָאֲמַר לִי רַב פַּפָּא, וְלָא מִישְׁרָא שָׁרִינָא – דְּהָא אָמַר (לִי) רַב יְהוּדָה מְשַׁמֵּיהּ דְּעוּלָּא: מַחֲלוֹקֶת לְטַבֵּל בְּצִירָן, אֲבָל בְּגוּפָן – דִּבְרֵי הַכֹּל עַד שֶׁיְּהֵא רֹאשׁ וְשִׁדְרָה נִיכָּר שֶׁל כָּל אֶחָד וְאֶחָד.

Rav Ashi continued: **And I do not prohibit** the fish, **as Rav Pappa said to me** that Rav Huna permitted it, **but I** also **do not permit** the fish, **as Rav Yehuda said to me in the name of Ulla** that the **dispute** between Rava and Rav Huna bar Ḥinnana is referring **to dipping** foods **in their brine, but with regard to** eating **their** actual **bodies, everyone agrees** that it is prohibited **until** both the **head and spine of each and every** fish are **recognizable.**

יָתֵיב רַב חִינָּנָא בַּר אִידִי קַמֵּיהּ דְּרַב אַדָּא בַּר אַהֲבָה, וְיָתֵיב וְקָאָמַר: גּוֹי שֶׁהֵבִיא עֲרֵיבָה מְלֵאָה חָבִיּוֹת וְנִמְצֵאת כִּילְבִּית בְּאַחַת מֵהֶן, פְּתוּחוֹת – כּוּלָּן מוּתָּרוֹת, סְתוּמוֹת – הֵיא מוּתֶּרֶת וְכוּלָּן אֲסוּרוֹת. אֲמַר לֵיהּ: מְנָא לָךְ הָא? מִתְּלָתָא קְרָאֵי שְׁמִיעַ לִי, מֵרַב וּשְׁמוּאֵל וְרַבִּי יוֹחָנָן.

Rav Ḥinnana bar Idi sat before Rav Adda bar Ahava, and he sat and said: With regard to **a gentile who brought a boat** that was **full of barrels** of fish brine, **and a *kilbit* was found in one of** the barrels, the *halakha* is as follows: If the barrels were **open,** they are **all permitted;** if they were **closed,** then the barrel with the *kilbit* **is permitted, and all** the others **are prohibited.** Rav Adda bar Ahava **said to him: From where** do **you** know **this?** Rav Ḥinnana bar Idi responded: **I heard** this **from three verses,**[N] i.e., great Sages upon whom one can rely as though their statements were recorded in verses: **From Rav and Shmuel and Rabbi Yoḥanan.**

אָמַר רַב בְּרוּנָא אָמַר רַב: קֵירְבֵי דָּגִים וְעוּבָּרָן אֵין נִקָּחִין אֶלָּא מִן הַמּוּמְחֶה. רָמֵי לֵיהּ עוּלָּא לְרַבִּי דּוֹסְתַּאי דְּמִן בִּירִי, מִדְּקָאָמַר רַב: קֵירְבֵי דָּגִים וְעוּבָּרָן אֵין נִקָּחִין אֶלָּא מִן הַמּוּמְחֶה, מִכְּלָל דְּדָג טָמֵא אִית לֵיהּ עוּבָּר; וּרְמִינְהִי: דָּג טָמֵא מַשְׁרִיץ, דָּג טָהוֹר מֵטִיל בֵּיצִים!

§ The Gemara discusses the *halakha* with regard to other parts of fish. **Rav Beruna says** that **Rav says: Fish intestines and their roe**[H] **may be purchased only from an expert.**[N] **Ulla raises a contradiction to Rabbi Dostai of Biri: From** the fact **that Rav says: Fish intestines and their roe may be purchased only from an expert,** it may be **inferred that a non-kosher fish has roe,** as otherwise there would be no reason to permit only roe purchased from an expert. **And** the Gemara **raises a contradiction** to this claim from the following *baraita*: **A non-kosher fish gives birth** whereas **a kosher fish lays eggs.**

סְמֵי מִכָּאן עוּבָּרָן. אֲמַר לֵיהּ רַבִּי זֵירָא: לָא תִּיסְמֵי, תַּרְוַיְיהוּ מְטִילֵי בֵּיצִים נִינְהוּ, אֶלָּא זֶה מַשְׁרִיץ מִבַּחוּץ וְזֶה מַשְׁרִיץ מִבִּפְנִים.

Rabbi Dostai accepted this opinion and said: **Delete** the phrase: **Their roe, from here. Rabbi Zeira said to him: Do not delete** it, as **both** kosher and non-kosher fish **are** fish that **lay,** i.e., produce, **eggs, but this** kosher fish **propagates externally** by laying eggs in the water which later hatch, **and that** non-kosher fish **propagates internally** by keeping the eggs in its own body until they develop. Nevertheless, both produce roe, and there is therefore reason to be concerned that a Jew might purchase non-kosher roe.

לָמָּה לִי מוּמְחֶה? לְבַדּוֹק בְּסִימָנִין! דְּתַנְיָא: כְּסִימָנֵי בֵיצִים כָּךְ סִימָנֵי דָּגִים. סִימָנֵי דָּגִים סָלְקָא דַּעְתָּךְ? סִימָנֵי דָּגִים סְנַפִּיר וְקַשְׂקֶשֶׂת כְּתִיב בְּהוּ! אֶלָּא, כְּסִימָנֵי בֵיצִים כָּךְ סִימָנֵי עוּבְּרֵי דָּגִים,

The Gemara asks: But even so, **why do I** need **an expert? Let** one **check the signs** of kashrut on the roe himself, **as it is taught** in a *baraita*: **Like the signs of** bird **eggs, so are the signs of fish.** The Gemara interjects: Does it **enter your mind** to say that the **signs of** kashrut for **fish** are the same as the signs of kashrut for eggs? This is not so, as the **signs of** kosher **fish are** the possession of **fins and scales,** as **written** in the Torah **with regard to them. Rather,** the *baraita* means to say: **Like the signs of** bird **eggs, so are the signs of fish roe.**[H]

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וְאֵלּוּ הֵן סִימָנֵי בֵיצִים: כָּל שֶׁכּוֹדֶרֶת וַעֲגוֹלָגֶלֶת, רֹאשָׁהּ אֶחָד כַּד וְרֹאשָׁהּ אֶחָד חַד – טְהוֹרָה, שְׁנֵי רָאשֶׁיהָ חַדִּין וּשְׁנֵי רָאשֶׁיהָ כַּדִּין – טְמֵאָה, חֶלְמוֹן מִבַּחוּץ וְחֶלְבּוֹן מִבִּפְנִים – טְמֵאָה, חֶלְבּוֹן מִבַּחוּץ וְחֶלְמוֹן מִבִּפְנִים – טְהוֹר, חֶלְבּוֹן וְחֶלְמוֹן מְעוֹרָבִין זֶה בָּזֶה – זוֹ הִיא בֵּיצַת הַשֶּׁרֶץ! אָמַר רָבָא: כְּשֶׁנִּימּוֹחוּ.

The *baraita* continues: **And these are the signs of** bird **eggs: Any** egg **that narrows** at the top **and is rounded,** so that **one of its ends is wide and** the other **one of its ends is pointed** is **kosher.** If **both of its ends are sharp or both of its ends are wide,** it is **non-kosher.** If the **yolk** is **on the outside and** the **albumen** is **on the inside,** it is **non-kosher;** if the **albumen** is **on the outside and** the **yolk** is **on the inside,** it is **kosher.** If the **yolk and albumen are mixed**[B] **with each other, this is the egg of a creeping animal.**[N] Considering that one can easily determine the kashrut of such eggs, why are only those purchased from an expert permitted? **Rava says:** Rav's ruling refers specifically to a case **where** the eggs **have melted** together and it is impossible to determine whether or not they are kosher based on these signs.

BACKGROUND

Yolk and albumen are mixed – חֶלְבּוֹן וְחֶלְמוֹן מְעוֹרָבִין: Very little albumen is found in reptile eggs, and some have none at all. The inside of these eggs is yellowish, as though the yolk and albumen have been mixed together.

NOTES

The egg of a creeping animal – בֵּיצַת הַשֶּׁרֶץ: It is important to know whether the egg is from a creeping animal or from some other non-kosher animal, because once the egg of a creeping animal has begun to form and is punctured, it imparts ritual impurity like a creeping animal itself (Rashi).

וּלְרַבִּי דּוֹסְתַּאי דְּמִן בִּירִי דְּאָמַר: סְמֵי מִכָּאן עוּבָּרָן,

The Gemara asks: **But according to** the opinion of **Rabbi Dostai of Biri, who** accepted the idea that non-kosher fish do not lay eggs and **says: Delete from here** the phrase: **Their roe,** it is difficult.

Perek **II**
Daf **40** Amud **b**

וְהָתַנְיָא: כְּסִימָנֵי בֵיצִים כָּךְ סִימָנֵי עוּבְּרֵי דָּגִים! לָאו תַּרְוַיְיהוּ מְתַרְצַתְּ לָהּ? כָּךְ סִימָנֵי קִירְבֵי דָּגִים.

The Gemara elaborates: **But isn't it taught** in the *baraita*, as it was interpreted above: **Like the signs of** bird **eggs, so are the signs of fish roe?** Apparently, the *baraita* assumes that non-kosher fish roe exists. The Gemara answers: **Didn't you** yourself find it necessary to **explain** and reinterpret the *baraita*, as it cannot be understood according to its straightforward meaning? Rabbi Dostai can also explain the *baraita* so that it effectively reads: Like the signs of bird eggs, **so are the signs of fish intestines.** Accordingly, the *baraita* never actually mentions fish roe at all.

BACKGROUND

Bladder – שִׁילְפּוּחָא: Most fish that possess swim bladders are bony fish, which are usually, though not always, kosher.

NOTES

I salted the fish, etc. – אֲנִי מְלַחְתִּים וכו': According to Rashi's interpretation, Rav Naḥman and Rav Yehuda both agree that the concern is not for deception but for the seller's error. Rav Naḥman holds that the seller's claims cannot be relied upon because he himself is not an expert who commands full knowledge of the physiological signs of kashrut for fish.

According to the commentaries who write that an expert in this context is one who is trustworthy, the dispute between Rav Naḥman and Rav Yehuda is whether or not the seller can be so trusted. Rav Yehuda maintains that although there is a concern that this salesman might be selling an item that he purchased from a gentile, it is presumed that he would not tell an outright lie, and therefore he is deemed credible when he claims to have salted the fish himself (Ra'avad). By contrast, Rav Naḥman contends that the seller might very well lie, and consequently he must present the fish, as he will not risk exposure if it might be discovered that the eggs came from a different fish (see Ritva).

The slivers of *ḥiltit* that might be found on the leaf – לְקָרְטִין שֶׁבּוֹ: Sometimes small pieces of *ḥiltit* stick to the leaves. These are prohibited, as they may have absorbed taste from a non-kosher knife.

HALAKHA

I salted the fish – אֲנִי מְלַחְתִּים: Fish intestines may be purchased only from an expert, i.e., one who is known to be trustworthy, unless the seller claims that he himself extracted them from a kosher fish and salted them. This applies both to a Jewish seller and a gentile seller (Rema, citing Ran). The *halakha* is in accordance with the opinion of Rav Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:20; *Shulḥan Arukh*, *Yoreh De'a* 83:7).

וְהֵיכִי מַשְׁכַּחַתְּ בְּסִימָנֵי קִירְבֵי דָּגִים שֶׁיֵּהֵא כַּד וְחַד? מַשְׁכַּחַתְּ לָהּ בִּשְׁלִיפּוּחָא.

The Gemara raises a difficulty: **But where do you find** that one of the **signs of fish intestines** is **that** they **must be round and pointed?** The Gemara answers: **You find** this **with regard to** the swim **bladder**[B] of a fish, which is considered to be kosher if it is shaped like a kosher egg.

אִם אֵין שָׁם מוּמְחֶה, מַאי? אָמַר רַב יְהוּדָה: כֵּיוָן דְּאָמַר ״אֲנִי מְלַחְתִּים״ – מוּתָּרִין. רַב נַחְמָן אָמַר: עַד שֶׁיֹּאמַר ״אֵלּוּ דָּגִים וְאֵלּוּ קִירְבֵיהֶן״. אוֹרֵי לֵיהּ רַב יְהוּדָה לְאַדָּא דַּיָּילָא: כֵּיוָן דְּאָמַר ״אֲנִי מְלַחְתִּים״ – מוּתָּרִין.

The Gemara asks: **If there is no expert there,** and one cannot determine whether or not the fish roe is kosher, **what** is the *halakha*? **Rav Yehuda says** that **once** the seller **says: I salted** the fish[NH] from which this roe came and they were kosher, the roe is **permitted. Rav Naḥman says:** The roe is prohibited **until** the seller shows kosher fish to the buyer and **says: These are the fish, and these are their intestines.** That is, the roe is permitted only if the seller can present the fish that produced it. The Gemara relates: **Rav Yehuda instructed Adda,** his **attendant: Once** the seller **says: I salted them,** they **are permitted.**

״וְעָלֶה שֶׁל חִילְתִּית״. פְּשִׁיטָא! לָא נִצְרְכָה אֶלָּא לִקְרָטִין שֶׁבּוֹ; מַהוּ דְּתֵימָא: נֵיחוּשׁ דִּלְמָא מַיְיתֵי וּמָעֵרֵב בֵּיהּ, קָא מַשְׁמַע לָן דְּהָא אִישְׁתַּרוּקֵי הִיא דְּאִישְׁתַּרוּק וַאֲתָא בַּהֲדָהּ.

§ The mishna teaches: **And the leaf of a *ḥiltit*** plant is permitted. The Gemara asks: Since the previous mishna (35b) prohibited a sliver of *ḥiltit* only due to the concern that it might have been sliced with a non-kosher knife, isn't it **obvious** that a leaf, which has not been sliced, is permitted? The Gemara answers: It is **necessary** to teach this **only** with regard **to the slivers** of *ḥiltit* **that** might be found **on** the leaf,[N] **lest you say** that one should **be concerned** that **perhaps** a gentile might **bring** slivers sliced with a non-kosher knife **and mix it** with the slivers on the leaf. The mishna therefore **teaches us that** it is assumed that the slivers on the leaf had **stuck** to it **and came** off **with** the plant when it was pulled from the ground.

״וְזֵיתֵי גְּלוּסְקָאוֹת הַמְגוּלְגָּלִין״. פְּשִׁיטָא! לָא נִצְרְכָה, אַף עַל גַּב דְּרַכֵּי טוּבָא; מַהוּ דְּתֵימָא חַמְרָא רְמָא בְּהוּ, קָא מַשְׁמַע לָן: הָנֵי מֵחֲמַת מִישְׁחָא הוּא דְּרַפּוּ.

§ The mishna teaches: **And rolled olive cakes.** The Gemara asks: Isn't it **obvious** that these are permitted? For what reason might they be prohibited? The Gemara answers: **No, it is necessary** to teach that they are permitted **even though they are very soft. Lest you say** that there is a concern that they softened because a gentile **placed wine in them,** the mishna therefore **teaches us** that **these** olives **have softened due to the oil** they possess.

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"וְרַבִּי יוֹסֵי אוֹמֵר: שְׁלָחִין אֲסוּרִין". הֵיכִי דָּמֵי שְׁלָחִין? אָמַר רַבִּי יוֹסֵי בַּר חֲנִינָא: כָּל שֶׁאוֹחֲזוֹ בְּיָדוֹ וְגַרְעִינָתוֹ נִשְׁמֶטֶת.

§ The mishna further teaches: **And Rabbi Yosei says: Overripe**[N] olives **are prohibited.** The Gemara asks: **What are overripe** olives **like? Rabbi Yosei bar Ḥanina says:** This is referring to **any** olive **that** if **one grasps it in his hand, its pit slips out,** due to the softness of the olive.

"הַחֲגָבִין הַבָּאִין" כו'. תָּנוּ רַבָּנַן: הַחֲגָבִין וְהַקַּפְרִיסִין וְהַקַּפְלוֹטוֹת, הַבָּאִין מִן הָאוֹצָר וּמִן הַהֶפְקֵר וּמִן הַסְּפִינָה – מוּתָּרִין, הַנִּמְכָּרִין בְּקַטְלוּזָא לִפְנֵי חֲנֻוָּנִי – אֲסוּרִין, מִפְּנֵי שֶׁמְּזַלֵּף יַיִן עֲלֵיהֶן. וְכֵן יַיִן תַּפּוּחִים שֶׁל גּוֹיִם, הַבָּאִין מִן הָאוֹצָר וּמִן הַהֶפְקֵר וּמִן הַסְּפִינָה – מוּתָּרִין, הַנִּמְכָּר בְּקַטְלוּזָא – אָסוּר, מִפְּנֵי שֶׁמְּעָרְבִין בּוֹ יַיִן.

§ The mishna teaches: **Locusts that come** from a salesman's basket are prohibited while those that come from the storeroom are permitted. **The Sages taught** in a *baraita*: **Locusts, and caper buds,**[H] **and leeks** [*kaflotot*] **that come from the storehouse,**[N] **and from the storeroom, and from** a gentile's **ship are** all **permitted. Those** that are **sold in the market** [*bekatluza*][L] from baskets that are **in front of the storekeeper are prohibited, because** it is assumed that the gentile storekeeper **sprinkles wine upon them. And similarly,** with regard to **apple wine** that **belongs to gentiles: Those** that **come from the storehouse or from the storeroom or from** a salesman's **basket are permitted.** Apple wine that **is sold in the market** is **prohibited, because they mix** grape **wine** of gentiles **in it.**

תָּנוּ רַבָּנַן: פַּעַם אַחַת חָשׁ רַבִּי בְּמֵעָיו, אָמַר: כְּלוּם יֵשׁ אָדָם שֶׁיּוֹדֵעַ, יַיִן תַּפּוּחִים שֶׁל גּוֹיִם אָסוּר אוֹ מוּתָּר? אָמַר לְפָנָיו רַבִּי יִשְׁמָעֵאל בֶּן רַבִּי יוֹסֵי: פַּעַם אַחַת חָשׁ אַבָּא בְּמֵעָיו, וְהֵבִיאוּ לוֹ יַיִן תַּפּוּחִים שֶׁל גּוֹיִם שֶׁל שִׁבְעִים שָׁנָה, וְשָׁתָה וְנִתְרַפֵּא; אָמַר לוֹ: כָּל כָּךְ הָיָה בְּיָדְךָ וְאַתָּה מְצַעֲרֵנִי!

The Gemara cites a relevant incident: **The Sages taught: Once Rabbi** Yehuda HaNasi **felt** discomfort **in his stomach** and knew that apple wine would alleviate it. **He said: Isn't there** any **person who knows** whether **apple wine**[H] **of gentiles** is **prohibited or permitted? Rabbi Yishmael ben Rabbi Yosei said before him: Once my father felt** discomfort **in his stomach and they brought him apple wine of gentiles** that was **seventy years** old,[N] **and he drank** it **and was cured.** Rabbi Yehuda HaNasi **said to him: You had so much** knowledge **in your hand** that could have relieved me, **and** yet **you caused me to suffer** by withholding it until now.

בָּדְקוּ וּמָצְאוּ גּוֹי אֶחָד שֶׁהָיָה לוֹ שְׁלֹשׁ מֵאוֹת גַּרְבֵי יַיִן שֶׁל תַּפּוּחִים שֶׁל שִׁבְעִים שָׁנָה, וְשָׁתָה וְנִתְרַפֵּא; אָמַר: בָּרוּךְ הַמָּקוֹם שֶׁמָּסַר עוֹלָמוֹ לְשׁוֹמְרִים.

They checked and found one gentile who had three hundred large jugs of apple wine that was **seventy years** old, **and** Rabbi Yehuda HaNasi **drank** from it **and was cured. He said: Blessed is the Omnipresent who delivered His universe to keepers.** Rabbi Yehuda HaNasi thanked God for causing the gentile to keep the wine for seventy years so that it could be used to heal him.

"וְכֵן לִתְרוּמָה". מַאי "וְכֵן לִתְרוּמָה"? אָמַר רַב שֵׁשֶׁת: וְכֵן לְכֹהֵן הֶחָשׁוּד לִמְכּוֹר תְּרוּמָה לְשֵׁם חוּלִּין – לְפָנָיו הוּא דְּאָסוּר, אֲבָל הַבָּא מִן הָאוֹצָר וּמִן הַהֶפְקֵר וּמִן הַסְּפִינָה – מוּתָּר; אֵירְתּוּתֵי מֵירְתַת, סָבַר: שָׁמְעִי בֵּיהּ רַבָּנַן וּמַפְסְדִי לֵיהּ מִינַּאי.

§ The mishna further teaches: **And likewise with regard to *teruma*.**[N] The Gemara asks: **What** is the meaning of the statement: **And likewise with regard to *teruma*? Rav Sheshet says:** This means: **And likewise** the same *halakha* applies **to a priest who is suspected of selling *teruma*,** which is less expensive, **as non-sacred** food. **It is** only when the food is **in front of** the priest **that** it **is prohibited; but** food **that comes from the storehouse or from the storeroom or from** a salesman's **basket is permitted.** The reason is that the priest **is fearful,** because **he thinks** to himself: If I sell *teruma* in public, **the Sages will hear of it and deprive me of** all my wares.

הדרן עלך אין מעמידין

NOTES

Overripe – שְׁלָחִין: In the Jerusalem Talmud it is explained that some olives would be saturated with vinegar so that their pits would come out, and there is a concern that this vinegar might have come from prohibited wine.

From the storehouse, etc. – מִן הָאוֹצָר וכו': The commentaries explain that food was kept in three places before being sold in the market. First it was put in a large storehouse, then distributed to various storerooms, and finally shipped to its destination. With each movement of produce it becomes increasingly likely that wine might be added, as it is kept in the second and third places for less time, and therefore there is less concern that the wine might spoil the produce. Nevertheless, the *baraita* teaches that there is no concern that wine might have been added in any of these places (*Tosafot*).

Apple wine of gentiles that was seventy years old – יַיִן תַּפּוּחִים שֶׁל גּוֹיִם שֶׁל שִׁבְעִים שָׁנָה: The age of the wine is significant because there is no reason to be concerned for the possibility that wine of gentiles was mixed with a beverage of this kind, as it had been in storage for so long (Ra'avad).

And likewise with regard to *teruma* – וְכֵן לִתְרוּמָה: *Teruma* is the property of the priest, who may sell it if he so chooses. Nevertheless, only other priests are permitted to partake of the *teruma*, and therefore its market value is lower than that of non-sacred property. This leads to the concern that a priest might attempt to sell *teruma* as non-sacred food.

HALAKHA

Locusts and caper buds, etc. – הַחֲגָבִין וְהַקַּפְרִיסִין וכו': Preserved food to which wine and vinegar are not typically added, and likewise pickled olives and locusts that come from the storehouse, may be purchased from a gentile. Preserved foods and locusts to which wine is typically added, such as those found in a shop, are prohibited (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:24; *Shulḥan Arukh*, *Yoreh De'a* 114:8).

Apple wine, etc. – יַיִן תַּפּוּחִים וכו': Wine prepared from apples and other fruits is permitted, as the prohibition against the wine of gentiles applies only to grape wine. If these drinks are sold at a higher price than regular wine they are prohibited, due to the concern that a gentile might have added grape wine to them to increase their volume and, by extension, his profit. Nevertheless, if the fruit wine is sold directly from the barrel it is permitted, because it may be assumed that wine was not added to it, as this can spoil the drink (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:11; *Shulḥan Arukh*, *Yoreh De'a* 114:3–4).

LANGUAGE

Market [*katluza*] – קַטְלוּזָא: From the Greek κατάλυσις, *katalusis*, meaning a resting place, guest chamber, quarters, or lodging.

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Summary of **Perek II**

Due to concern about adultery, the Sages prohibited women from secluding themselves with gentiles. They also decreed that it is prohibited to leave one's animals in gentiles' inns due to concern about bestiality.

The Sages also cautioned Jews against entering vulnerable situations where a gentile could easily kill them, which includes seeking significant medical aid from gentiles, as well as employing a gentile midwife. They permitted the acceptance of medical attention from gentiles if no life-threatening ailment was involved, and the Gemara discusses the limitations of this permission at length. Leniency was also afforded if the physician providing the treatment was known to be a reputable expert; this leniency was expanded over the years to include physicians offering treatment in areas where the civil laws against murder were strictly enforced. Entering into seclusion with gentiles was likewise permitted in such cases.

Conversely, the Sages asserted that one should avoid healing idolatrous gentiles because this effectively facilitates the expansion of idolatry. They added that it is permitted to aid gentiles if there is a concern that refraining from doing so will lead to increased enmity between Jews and gentiles, and the halakhic authorities over the generations have generally ruled that it is permitted to heal and assist gentiles for the sake of peace.

This chapter also discussed *halakhot* concerning the permissibility of consuming and deriving benefit from foods belonging to gentiles. The Torah itself prohibits deriving any benefit from substances that were used in idolatrous rituals. Since wine was frequently used as an idolatrous libation, the Sages decreed that one may not derive benefit from any wine which has come in contact with gentiles. Furthermore, wine of gentiles was prohibited even in eras and regions where idolatry was not commonly practiced, because it leads to lightheartedness, which can in turn lead to intermarriage.

The Sages also dealt extensively with the *halakhot* pertaining to the wine of a Jew that is deposited in a gentile's possession. They concluded that if there is a valid concern that the wine might have been touched by a gentile, it is prohibited for consumption, unless it was properly sealed, but one is permitted to derive benefit from it. The Gemara elaborates at length on this subject as it has many practical ramifications for a wide range of cases involving prohibited substances.

The Sages were concerned that wine and other liquids that were left uncovered and with no supervision could contain venom that a snake had deposited while drinking from them. They therefore prohibited the consumption of certain substances that were left uncovered, and the Gemara discusses the application and parameters of this *halakha*.

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The prohibition against drinking a gentile's wine includes the by-products of wine as well, and therefore substances such as vinegar, grape skins, and grape seeds are subject to this prohibition, as are foods and vessels with which wine was suspected to have come in contact.

This chapter, like later chapters, included discussions concerning the methods by which different kinds of vessels that contained wine of gentiles may be rendered permitted. This is dependent on various factors, including the material from which the vessel was fashioned and the length of time wine was held in it. Some vessels could be used after simply being rinsed, others required a more thorough cleansing, and yet others could not be rendered permitted at all. The Sages stated that vessels belonging to gentiles that remained unused for a period of twelve months are rendered permitted by this factor alone, because whatever taste they may have absorbed would have faded during this time.

Additionally, some foods are prohibited due to the concern that prohibited substances were added to them, or because they could lead to mutual affection between Jews and gentiles and eventually intermarriage. Halakhic leniencies in these matters depend upon various factors, including the effort a gentile would have been required to expend in order to furtively add a prohibited substance to a particular food, as well as circumstantial evidence with regard to the kashrut of certain foods.

The Sages also established a prohibition against eating food cooked by a gentile, although this prohibition is limited to foods that are not eaten raw and are eaten by distinguished individuals.

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Introduction to **Perek III**

The graven images of their gods shall you burn with fire; you shall not covet the silver or the gold that is on them, nor take it to you, lest you be snared by it; for it is an abomination to the Lord your God. And you shall not bring an abomination into your house, and be accursed like it; you shall utterly detest it, and you shall utterly abhor it; for it is a proscribed item.

(Deuteronomy 7:25–26)

You shall destroy all the places where the nations that you are to dispossess served their gods, upon the high mountains, and upon the hills, and under every leafy tree. And you shall break down their altars, and dash in pieces their pillars, and burn their asherim with fire; and you shall hew down the graven images of their gods; and you shall destroy their name out of that place.

(Deuteronomy 12:2–3)

In addition to the obligation to eradicate all vestiges of idolatry, the Torah renders it prohibited to derive any sort of benefit from objects of idol worship. This general prohibition leads to many discussions in this chapter outlining the exact definition of objects of idol worship and the nature of the prohibition against deriving benefit from them.

Any type of item may have been worshipped by idolaters, including the sun, the moon, mountains, hills, seas, and rivers. Deriving benefit from many of these is unavoidable. Indeed, the Torah's wording indicates that these entities cannot become forbidden. It is therefore necessary to define which items are rendered forbidden due to being worshipped and which are not.

In addition to items that are directly worshipped, there is a significant gray area involving objects that are not actually worshipped, yet they facilitate worship. This chapter will discuss the status of different items in this category, including buildings and courtyards that contain idols, altars and platforms that are designed in their honor, as well as jewelry and adornments that decorate them.

The chapter will also discuss the halakhic status of an object whose appearance is similar to that of an idol or another object used for idolatry, but whose purpose might be merely ornamental, e.g., a statue.

Even once an idolatrous object is clearly rendered forbidden, there are still issues that require clarification: What constitutes deriving benefit from such items? Are they forbidden forever, even when they no longer serve their idolatrous purpose? Are there processes or circumstances through which the status of an object of idol worship can be revoked? What is the *halakha* with regard to fragments that are broken off objects of idol worship?

In addition to idols dedicated for worship, the Torah also discusses altars and platforms used in idol worship, as well as the *ashera* tree, a tree used as part of idolatrous rites. These items also require definition and assessment in order to determine which are actually worshipped and which are merely peripheral to idol worship.

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מתני׳ כָּל הַצְּלָמִים אֲסוּרִין, מִפְּנֵי שֶׁהֵן נֶעֱבָדִין פַּעַם אַחַת בַּשָּׁנָה, דִּבְרֵי רַבִּי מֵאִיר; וַחֲכָמִים אוֹמְרִים: אֵינוֹ אָסוּר אֶלָּא כָּל שֶׁיֵּשׁ בְּיָדוֹ מַקֵּל אוֹ צְפּוֹר אוֹ כַּדּוּר; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: אַף כָּל שֶׁיֵּשׁ בְּיָדוֹ כָּל דָּבָר.

MISHNA

All statues[HN] **are forbidden,** i.e., it is prohibited to derive benefit from them, **because they are worshipped** at least **once a year;**[B] this is **the statement of Rabbi Meir. And the Rabbis say:** The **only** type of statue that is **forbidden** is **any** statue **that has in its hand a staff,**[B] **or a bird, or an orb,** as these are indications that this statue is designated for idolatry. If the statue is holding a different item, it may be assumed that the statue was fashioned for ornamental purposes and not for worship. **Rabban Shimon ben Gamliel says:** It is prohibited to derive benefit **even** from **any** statue **that has any item** whatsoever **in its hand.**

גמ׳ אִי דְּנֶעֱבָדִין פַּעַם אַחַת בַּשָּׁנָה, מַאי טַעְמָא דְּרַבָּנַן? אָמַר רַבִּי יִצְחָק בַּר יוֹסֵף אָמַר רַבִּי יוֹחָנָן: בְּמִקּוֹמוֹ שֶׁל רַבִּי מֵאִיר הָיוּ עוֹבְדִין אוֹתָהּ פַּעַם אַחַת בַּשָּׁנָה, וְרַבִּי מֵאִיר דְּחָיֵישׁ לְמִיעוּטָא – גָּזַר שְׁאָר מְקוֹמוֹת אַטּוּ אוֹתוֹ מָקוֹם, וְרַבָּנַן דְּלָא חָיְישִׁי לְמִיעוּטָא – לָא גָּזְרוּ שְׁאָר מְקוֹמוֹת אַטּוּ אוֹתוֹ מָקוֹם.

GEMARA

If it is true **that** the statues to which Rabbi Meir is referring **are worshipped** at least **once a year, what is the reason** for the opinion **of the Rabbis,** who permit deriving benefit from them? The Gemara answers: **Rabbi Yitzḥak bar Yosef says** that **Rabbi Yoḥanan says: In Rabbi Meir's locale,** people **would worship** statues **once a year. And** therefore, **Rabbi Meir, who** maintains that one must be **concerned for a minority** occurrence (see *Yevamot* 61b), **issued a decree** that statues are forbidden even in **other places, due to that locale** where people would worship statues. **And the Rabbis,** by contrast, **who** do **not** maintain that one must be **concerned for a minority** occurrence, **did not issue a decree** that statues are forbidden even in **other places due to that locale.**

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: בְּאַנְדְּרְטֵי שֶׁל מְלָכִים שָׁנִינוּ. אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: וּבְעוֹמְדִין עַל פֶּתַח מְדִינָה שָׁנִינוּ.

Rav Yehuda says that **Shmuel says: We learned** that this dispute between Rabbi Meir and the Rabbis is only **with regard to the statues** [*be'andartei*][L] **of kings.**[N] Rabbi Meir decreed that they are forbidden as perhaps they were designated for worship. The Rabbis assumed that they were designed for ornamental purposes, not for worship. **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: And** furthermore, **we learned** that the dispute is only **with regard to** statues that **stand at the entrance to the region.**[N] Since these statues were erected in an important location, there is concern that they are worshipped.

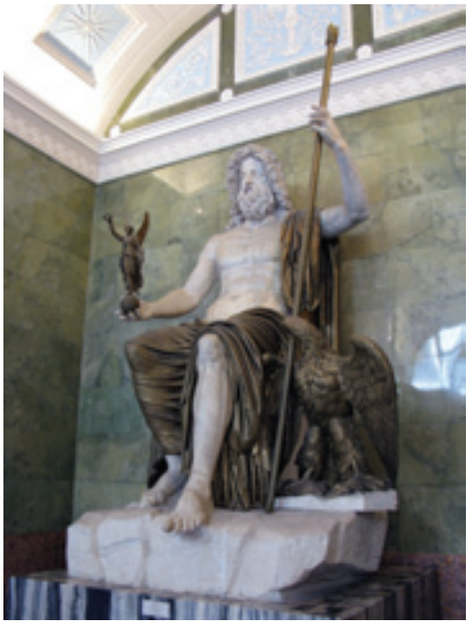
HALAKHA

All statues – כָּל הַצְּלָמִים: It is prohibited to derive benefit from any statues belonging to gentiles that are erected in villages, as it is assumed that they were designated for idol worship. Those statues erected in cities are permitted unless they are placed at the entrance to the city and part of the statue is a hand holding a staff, a bird, an orb, a sword, a crown, or a ring. With regard to contemporary statues, the *Shakh* rules that each case must be individually evaluated to determine if the statue was designed for idol worship or merely for ornamental purposes (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:6; *Shulḥan Arukh*, *Yoreh De'a* 141:1).

BACKGROUND

Once a year – פַּעַם אַחַת בַּשָּׁנָה: Many idols in antiquity were worshipped annually, with one day of the year designated for the worship of each one. The Rambam explains that the specific day on which an idol was worshipped was fixed based upon the astrological significance that was given to each deity.

Any that has in its hand a staff – כָּל שֶׁיֵּשׁ בְּיָדוֹ מַקֵּל:



Statue of Jupiter with staff, eagle, and orb

LANGUAGE

Image [*andartaya*] – אַנְדְּרְטָיָא: Apparently from the Greek ἀνδριάντος, *andriantos*, which means a statue of a person.

NOTES

All statues – כָּל הַצְּלָמִים: The Meiri explains that all the idols mentioned here are those made in the likeness of a person, as the mishna refers to what the statues are holding. From the Rambam and Rabbeinu Ḥananel it seems that idols formed in any likeness or shape are included in the discussion.

Statues of kings – אַנְדְּרְטֵי שֶׁל מְלָכִים: Rashi explains that the dispute in the mishna is referring to statues fashioned in the image of dead kings. Rabbi Meir deems it prohibited to derive benefit from these statues because people would worship the statues in memory of their deceased kings. Rabbeinu Tam explains otherwise, that the dispute in the mishna is referring to statues of living kings. The Rabbis deem it permitted to derive benefit from these statues as they hold that the statues were designed for ornamental purposes and not worship.

At the entrance to the region – עַל פֶּתַח מְדִינָה: Rashi explains that it is specifically when the statues are placed in such prominent locations that Rabbi Meir is concerned they may be worshipped. By contrast, Rabbeinu Tam explains that it is specifically when the statues are placed in these prominent locations that the Rabbis are lenient, because it was common to erect beautiful edifices in honor of the king in such prominent locations. In any event, most commentaries agree that these rulings are complementary and not in disagreement, i.e., Rabba bar bar Ḥana explains that the statues of kings referred to by Rabbi Yitzḥak bar Yosef were those standing at the entrance to regions.

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NOTES

In villages were certainly fashioned for idol worship – דִּכְפָרִים וַדַּאי לְמִיפְלְחִינְהוּ עָבְדִי לְהוּ: Large cities generally had wealthier residents and would occasionally erect statues simply for ornamental purposes. By contrast, statues in villages were assumed to be for worship, the only purpose for which sufficient funds could be raised to construct them (Rashi).

אָמַר רַבָּה: מַחֲלוֹקֶת בְּשֶׁל כְּפָרִים, אֲבָל בְּשֶׁל כְּרַכִּים – דִּבְרֵי הַכֹּל מוּתָּרִין, מַאי טַעְמָא? לְנוֹי עָבְדִי לְהוּ.

Rabba says: The **dispute** between Rabbi Meir and the Rabbis is only **with regard to** statues that are erected **in villages. But with regard to** those that are erected **in cities, all agree** that they **are permitted,** i.e., that it is permitted to derive benefit from them. **What is the reason?** It is because they were **fashioned for ornamental** purposes and not for worship.

וְדִכְפָרִים מִי אִיכָּא לְמַאן דְּאָמַר לְנוֹי קָעָבְדִי לְהוּ? דִּכְפָרִים וַדַּאי לְמִיפְלְחִינְהוּ עָבְדִי לְהוּ!

The Gemara asks: **But** with regard to those erected **in villages, is there anyone who says** that **they are fashioned for ornamental** purposes? Those **in villages were certainly fashioned for** idol **worship.**[N] How, then, can the Rabbis maintain that such statues are permitted?

אֶלָּא אִי אִתְּמַר הָכִי אִתְּמַר, אָמַר רַבָּה: מַחֲלוֹקֶת בְּשֶׁל כְּרַכִּים, אֲבָל בְּשֶׁל כְּפָרִים – דִּבְרֵי הַכֹּל אֲסוּרִים.

The Gemara answers: **Rather, if** such a distinction **was stated, this** is what **was stated: Rabba says** that the **dispute** between Rabbi Meir and the Rabbis is only **with regard to** statues that are erected **in cities,** where they may have been fashioned simply for ornamental purposes. **But with regard to** those erected **in villages, all agree** that they are used for idol worship and are therefore **forbidden.**

״וַחֲכָמִים אוֹמְרִים: אֵינָן אֲסוּרִין״ וכו׳. מַקֵּל – שֶׁרּוֹדֶה אֶת עַצְמוֹ תַּחַת כָּל הָעוֹלָם כּוּלּוֹ כְּמַקֵּל. צִפּוֹר – שֶׁתּוֹפֵשׂ אֶת עַצְמוֹ תַּחַת כָּל הָעוֹלָם כּוּלּוֹ כְּצִפּוֹר. כַּדּוּר – שֶׁתּוֹפֵשׂ אֶת עַצְמוֹ תַּחַת כָּל הָעוֹלָם כּוּלּוֹ כְּכַדּוּר.

§ The mishna teaches: **And the Rabbis say:** The **only** statues that are **forbidden** are: Any statue that has in its hand a staff, or a bird, or an orb, as these are indications that this statue is designated for idolatry. The Gemara explains that each of these items symbolizes the statue's supposed divinity, indicating its dominion over the world: **A staff** symbolizes dominion **as** the idol **rules itself under the entire world,**[N] i.e., it rules the entire world, **like** one rules over an animal with **a staff. A bird** symbolizes dominion **as** the idol **grasps itself under the entire world,** i.e., it grasps the entire world, **as** one grasps **a bird**[N] in his hand. **An orb** symbolizes dominion **as** the idol **grasps itself under the entire world,** i.e., it grasps the entire world, **as** one grasps **a ball** in his hand.

תָּנָא, הוֹסִיפוּ עֲלֵיהֶן: סַיִף, עֲטָרָה, וְטַבַּעַת.

The Sages **taught** in the *Tosefta* (6:1) that **they added** the following **to** the list of items that, when added to a statue, indicate that it is worshipped as an idol: **A sword** in its hand, **a crown** on its head, **and a ring** on its finger.

סַיִף – מֵעִיקָּרָא סְבוּר: לִסְטִים בְּעָלְמָא, וּלְבַסּוֹף סְבוּר: שֶׁהוֹרֵג אֶת עַצְמוֹ תַּחַת כָּל הָעוֹלָם כּוּלּוֹ.

The Gemara explains why these items were initially believed to be insignificant and were later understood as symbolizing idol worship. With regard to a statue holding **a sword,** the Sages **initially thought** that this **merely** indicates that it is a statue of **a bandit.**[N] **But in the end they reasoned that** it symbolizes the notion that the idol has the power to **kill itself under the whole world,** i.e., to kill the entire world.

NOTES

Under the entire world – תַּחַת כָּל הָעוֹלָם כּוּלּוֹ: The standard version of the text contains expressions of denigration, i.e., that the idol itself is ruled underneath the entire world, i.e., that the world rules over the idol. The reason for this is that the Sages did not wish to intimate any expression that gives credence to idolatry. Rabbeinu Ḥananel explains the Gemara as stating that the items symbolize that the idols rule over the world. This could be due to the fact that he had a different version of the text, or it is his interpretation of the standard version of the text.

As it grasps itself…as a bird – שֶׁתּוֹפֵשׂ אֶת עַצְמוֹ…כְּצִפּוֹר: Rabbeinu Ḥananel explains this expression to mean that it has control over the world just as one grasps a bird in his hand. Riaz explains that it has ascendancy over the entire world just like a bird that flies on high. In the Jerusalem Talmud it is explained with reference to the verse: "And my hand has found as a nest the riches of the peoples; and as one gathers eggs that are forsaken, have I gathered all the earth; and there was none that moved the wing, or that opened the mouth, or chirped" (Isaiah 10:14).

Merely a bandit, etc. – לִסְטִים בְּעָלְמָא וכו׳: How could anyone have entertained the possibility that people would undertake the expense and effort to erect statues at their country's port of entry with these insignificant symbolic meanings? The Ritva explains that to avoid any possible association between symbols of power or supremacy and the statue, the Gemara substituted dysphemistic expressions even when referring to the initial, benign interpretations of the statue's purposes. What is really meant are symbols of the power and authority of the country's king. In the case of a sword, for example, which is initially referred to by the Gemara as a symbol of bandits, what is really meant is the king's military supremacy. In the case of a crown, which is initially interpreted as a mere wreath, what is really meant is the king's legitimate ascendancy to the throne.

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עֲטָרָה – מֵעִיקָּרָא סְבוּר: גְּדִיל כְּלִילֵי בְּעָלְמָא, וּלְבַסּוֹף סְבוּר: כַּעֲטָרָה לְמֶלֶךְ. טַבַּעַת – מֵעִיקָּרָא סְבוּר: אִישְׁתַּיְימָא בְּעָלְמָא, וּלְבַסּוֹף סְבוּר: שָׁחוֹתֵם אֶת עַצְמוֹ תַּחַת כָּל הָעוֹלָם כּוּלּוֹ לְמִיתָה.

With regard to **a crown,** the Sages **initially thought** that it is **merely a woven wreath. But in the end they reasoned** that it is **like the crown of a king.** With regard to **a ring,** the Sages **initially thought** that this **merely** symbolizes **the bearer of a signet ring** [*ishtayema*].[L] **But in the end they reasoned that** it is symbolic of the idol's supposed ability to **seal its** fate **under the whole world,** i.e., to seal the fate of the entire world, **for death.**

״רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל״ כו׳. תָּנָא: אֲפִילּוּ צְרוֹר, אֲפִילּוּ קֵיסָם.

§ The mishna teaches that **Rabban Shimon ben Gamliel** says: It is prohibited to derive benefit even from any statue that has any item whatsoever in its hand. The Sages **taught** in a *baraita*: It is prohibited to derive benefit from a statue **even** if it is merely holding **a stone,** or **even a twig.**[N]

בָּעֵי רַב אַשִׁי: תָּפַשׂ בְּיָדוֹ צוֹאָה, מַהוּ? מִי אָמְרִינַן: כּוּלֵּי עָלְמָא וִילוֹ בְּאַפֵּיהּ כִּי צוֹאָה, אוֹ דִּילְמָא הוּא מִיהוּ דְּזִיל בְּאַפֵּי כּוּלֵּי עָלְמָא כְּצוֹאָה? תֵּיקוּ.

Rav Ashi raises a dilemma: If the idol **is grasping excrement in its hand, what is** the *halakha*? Is this meant to honor the statue, indicating that it is an object of idol worship? **Do we say** that the statue is forbidden, as this indicates that **the entire world is inferior to it like excrement, or perhaps** does this indicate that the idol itself **is inferior to the entire world like excrement?** The Gemara concludes: The question **shall stand** unresolved.

מתני׳ הַמּוֹצֵא שִׁבְרֵי צְלָמִים – הֲרֵי אֵלּוּ מוּתָּרִין. מָצָא תַּבְנִית יָד אוֹ תַּבְנִית רֶגֶל – הֲרֵי אֵלּוּ אֲסוּרִין, מִפְּנֵי שֶׁכַּיּוֹצֵא בָּהֶן נֶעֱבָד.

MISHNA In the case of **one who finds** unidentifiable **fragments of statues,**[H] **these are permitted,** i.e., one may derive benefit from them. If one **found** an object in **the figure of a hand**[N] **or** in **the figure of a foot,**[B] **these are forbidden, as** objects **similar to those are worshipped.**

גמ׳ אָמַר שְׁמוּאֵל: אֲפִילּוּ שִׁבְרֵי עֲבוֹדָה זָרָה. וְהָאֲנַן תְּנַן: שִׁבְרֵי צְלָמִים!

GEMARA **Shmuel says:** It is permitted to derive benefit **even** from **fragments of** objects that have been seen used in **idol worship.**[H] The Gemara asks: **But didn't we learn** in the mishna that **fragments of** nondescript **statues** are permitted? This indicates that it is prohibited to derive benefit from fragments of idols that were known to be worshipped.

הוּא הַדִּין דַּאֲפִילּוּ שִׁבְרֵי עֲבוֹדָה זָרָה; וְהָא דְּקָתָנֵי: שִׁבְרֵי צְלָמִים – מְשׁוּם דְּקָבָעֵי לְמֵיתְנָא סֵיפָא: מָצָא תַּבְנִית יָד תַּבְנִית רֶגֶל הֲרֵי אֵלּוּ אֲסוּרִין, מִפְּנֵי שֶׁכַּיּוֹצֵא בָּהֶן נֶעֱבָד.

The Gemara answers: The mishna means that fragments of statues are permitted, and **the same is true even** of **fragments** of objects **of idol worship. And that which is taught** in the mishna: **Fragments of statues,** is not meant to exclude fragments of idols. Rather, this expression is used **because** the mishna **sought to teach** in **the last clause:** If one **found** an object in **the figure of a hand** or in **the figure of a foot, these are forbidden,** even if they are not known to be objects of idol worship, **as** objects **similar to those are worshipped.** If the first clause in the mishna had referred to fragments of idols, it would have been inferred that the latter clause was referring specifically to the figure of a hand or foot that was known to have been worshipped, and that otherwise such figures would not be forbidden.

תְּנַן: מָצָא תַּבְנִית יָד תַּבְנִית רֶגֶל הֲרֵי אֵלּוּ אֲסוּרִין, מִפְּנֵי שֶׁכַּיּוֹצֵא בּוֹ נֶעֱבָד; אַמַּאי?

We learned in the mishna: If one **found** an object in **the figure of a hand** or in **the figure of a foot, these are forbidden, as** objects **similar to those are worshipped.** The Gemara asks: **Why?**

LANGUAGE

The bearer of a signet ring [*ishtayema*] – אִישְׁתַּיְימָא: The exact etymology of this word is unclear. Most commentaries understand it as referring to one who is entrusted with a seal. Some say that it comes from the Assyrian word satammu, which means charge or appointee.

NOTES

Even a stone, even a twig – אֲפִילּוּ צְרוֹר אֲפִילּוּ קֵיסָם: This symbolizes the notion that the entire world is as a mere stone or twig compared to it, as everything is under its dominion (Riaz).

Figure of a hand – תַּבְנִית יָד: It is still prohibited to derive benefit from a figure even if it is apparent that it was broken off from a larger figure. Some say this is because sometimes a gentile does not design a full deity, but only its hand or foot, which he then worships (Ra'avad). Others explain that it may have been set aside from the larger figure in order to be worshipped separately (Meiri).

BACKGROUND

Figure of a foot – תַּבְנִית רֶגֶל:

Reproduction of a Roman coin with the image of a foot representing the god Serapis

HALAKHA

One who finds fragments of statues – הַמּוֹצֵא שִׁבְרֵי צְלָמִים: One who finds fragments of statues, whether they were disposed of alone or along with fragments of metal, may derive benefit from them. If one finds the figure of a hand or foot resting on its platform, it is prohibited for him to derive benefit from it. This is in accordance with Shmuel's understanding of the mishna (Ramban *Sefer HaMadda, Hilkhot Avoda Zara* 7:7; *Shulḥan Arukh, Yoreh De'a* 141:2).

Fragments of objects of idol worship – שִׁבְרֵי עֲבוֹדָה זָרָה: The Rambam rules that it is prohibited to derive benefit from fragments of objects known to have been used in idol worship, as their idolatrous status may not have been revoked by the gentile. This is in accordance with the opinion of Rabbi Yoḥanan, whom the Rambam understands as disagreeing with Shmuel. One place in the *Shulḥan Arukh* rules accordingly, while elsewhere it seems to rule in accordance with the opinion of Shmuel (Rambam *Sefer HaMadda, Hilkhot Avoda Zara* 7:7; *Shulḥan Arukh, Yoreh De'a* 141:2, 146:11, and see *Shakh* and *Beur HaGra* there).

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BACKGROUND

Standing on their pedestals – עוֹמְדִין עַל בְּסִיסָן:

Sculpture of a hand on a pedestal, in honor of the god Sabazius

HALAKHA

Objects of idol worship that broke by themselves – עֲבוֹדָה זָרָה שֶׁנִּשְׁתַּבְּרָה מֵאֲלֵיהָ: It is prohibited to derive benefit from fragments of an object that belonged to a gentile and was used for idol worship, and which subsequently broke, until the gentile consciously revokes its status as an object of idol worship. Therefore, if one finds such fragments, they are forbidden, as the gentile may not have revoked their status as objects of idol worship. This is in accordance with the opinion of Rabbi Yoḥanan, whose opinion is generally accepted in his disputes with Reish Lakish (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:11; *Shulḥan Arukh*, *Yoreh De'a* 146:11).

וְהָא שְׁבָרִים נִינְהוּ! תִּרְגְּמָהּ שְׁמוּאֵל: בְּעוֹמְדִין עַל בְּסִיסָן.

But aren't they fragments[N] of idols, which are permitted according to Shmuel? The Gemara answers that **Shmuel interpreted** the mishna as follows: It is referring to a case **where** these objects that are in the figure of a hand or a foot **are standing on their pedestals,**[NB] which shows that they were designed this way initially and are not merely fragments.

אִתְּמַר: עֲבוֹדָה זָרָה שֶׁנִּשְׁתַּבְּרָה מֵאֵילֶיהָ – רַבִּי יוֹחָנָן אָמַר: אֲסוּרָה, רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אָמַר: מוּתֶּרֶת.

§ It **was stated:** With regard to objects of **idol worship that broke by themselves,**[H] **Rabbi Yoḥanan says:** It is **prohibited** to derive benefit from them. **Rabbi Shimon ben Lakish says:** It is **permitted.**

רַבִּי יוֹחָנָן אָמַר אֲסוּרָה, דְּהָא לָא בְּטְלָה; רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אָמַר מוּתֶּרֶת, מִסְתָּמָא בַּטּוּלֵי מְבַטֵּיל לָהּ, מֵימַר אָמַר: אִיהִי נַפְשָׁהּ לָא אַצְּלָה, לְהַהוּא גַּבְרָא מַצָּלָה לֵיהּ?

The Gemara explains the sides of the dispute. **Rabbi Yoḥanan says** that it is **prohibited, as** its owner **did not revoke**[N] its status as an object of idol worship. **Rabbi Shimon ben Lakish says** that it is **permitted,** as the owner **presumably revoked** its status as an object of idol worship, **having said** to himself: If the idol **could not save** even **itself** from harm, **can it save that man,** i.e., myself?

אֵיתִיבֵיהּ רַבִּי יוֹחָנָן לְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: ״וְרֹאשׁ דָּגוֹן וּשְׁתֵּי כַּפּוֹת יָדָיו כְּרֻתוֹת״ וגו׳, וּכְתִיב: ״עַל כֵּן לֹא יִדְרְכוּ כֹהֲנֵי דָגוֹן״ וגו׳!

Rabbi Yoḥanan raised an objection to Rabbi Shimon ben Lakish from the passage in the book of Samuel recounting the downfall of the Philistine god Dagon: "And when they arose early the next morning, behold, Dagon was fallen on his face to the ground before the Ark of the Lord; **and the head of Dagon and both the palms of his hands lay cut off** upon the threshold; only the trunk of Dagon was left to him" (1 Samuel 5:4). **And** from the next verse it seems that Dagon's worshippers accorded it honor despite its destruction, as **it is written: "Therefore, the priests of Dagon,** and anyone who comes into Dagon's house, **do not tread**[N] on the threshold of Dagon in Ashdod until this day" (1 Samuel 5:5). Evidently, when an idol breaks, its worshippers do not stop worshipping it.

אָמַר לוֹ: מִשָּׁם רְאָיָה? הָתָם שֶׁמַּנִּיחִין אֶת הַדָּגוֹן וְעוֹבְדִין אֶת הַמִּפְתָּן, דְּאָמְרִי הָכִי: שְׁבַקֵיהּ אִיסָּרֵיהּ לְדָגוֹן וַאֲתָא אִיתִיב לֵיהּ עַל הַמִּפְתָּן.

Rabbi Shimon ben Lakish **said to him:** Is there **proof from there? There,** the reason people did not tread on the threshold of Dagon is **that they had abandoned** their worship of **the Dagon and** would instead **worship the threshold** upon which Dagon was found, **as they stated this** reasoning: **The spirit of Dagon has left** the Dagon idol[N] **and** instead **it came** and **rested upon the threshold.**

NOTES

But aren't they fragments – וְהָא שְׁבָרִים נִינְהוּ: This question as to why broken-off forms of hands and feet are forbidden could have been asked directly concerning the latter clause of the mishna, which prohibits forms of hands and feet. In fact, the Ra'avad understands that with this question the Gemara is now returning to analyze the mishna. Other commentaries ask, based upon the straightforward reading of the Gemara: Why is this question posed only as a challenge to the opinion of Shmuel? *Tosafot* explain that were it not for Shmuel, who commented that the first clause of the mishna means to permit even fragments of objects of idol worship, one could have understood that the first clause refers to fragments of statues, while the last clause, prohibiting forms of hands and feet, is referring to those detached from objects of idol worship.

Where they are standing on their pedestals [*besisan*] – בְּעוֹמְדִין עַל בְּסִיסָן: Rashi explains that they are upon their regular, designated area of worship. Similarly, the Ra'avad explains that since they were found in their usual area of worship, there is concern that they were worshipped even after they had been broken, a situation that is known to have happened in those times. *Tosafot* take issue with this explanation because the exact reading of the mishna: If one found the figure of a hand, etc., indicates that they were not in their usual location, but were found by chance somewhere in the fields or in the marketplace. Instead, Rabbeinu Tam explains that they were found lying attached to a base, leading to the conclusion that they were formed this way initially. The Meiri cites an additional explanation, suggesting that they were found with intrinsic proof that they were designed for worship, such as a hand grasping an object. According to this explanation, the word *besisan* is referring to the grasped object and not to a base.

As he did not revoke – דְּהָא לָא בְּטְלָה: From the continuation of the discussion it seems that Rabbi Yoḥanan did not mean that one can be certain that its status as an object of idol worship was never revoked. Rather, since it is uncertain whether or not its status was revoked, it is prohibited to derive benefit from it.

Therefore…do not tread – עַל כֵּן לֹא יִדְרְכוּ: Rabbi Yoḥanan understood that the fragments' idolatrous status remained, as the people revered even the threshold upon which the fragments fell. In the Jerusalem Talmud this is presented as a challenge to the opinion of Rabbi Yoḥanan, as it seems that only the threshold was worshipped and not the fragments (see *Penei Moshe*).

The spirit [*issareih*]…has left the Dagon idol – שְׁבַקֵיהּ אִיסָּרֵיהּ: Rashi explains the word *issareih* as referring to its spirit, the idol's inherent power. The Ya'avetz posits that the Sages picked this word to refer to its supposed spirit because its literal meaning: Tied, is a denigrating reference that indicates that it is chained, and that its power is non-existent.

Rashi explains that Reish Lakish claimed that while gentiles generally revoke the status of their broken idols, in this case the Philistines did not view Dagon as broken, but they imagined that its spirit had shifted onto the threshold and therefore its original parts went to the threshold. The Ra'avad explains that according to Reish Lakish they did indeed revoke Dagon's status and went instead to worship the threshold as they believed that it now possessed its spirit, whereas according to Rabbi Yoḥanan, they continued to worship both Dagon and the threshold.

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אֵיתִיבֵיהּ: הַמּוֹצֵא שִׁבְרֵי צְלָמִים – הֲרֵי אֵלּוּ מוּתָּרִין, הָא שִׁבְרֵי עֲבוֹדָה זָרָה – אֲסוּרִין!

Rabbi Yoḥanan **raised** another **objection to** Rabbi Shimon ben Lakish from the mishna: In the case of **one who finds fragments of statues, these are permitted. This** indicates that **fragments** of known objects **of idol worship are forbidden.**

לָא תֵּימָא שִׁבְרֵי עֲבוֹדָה זָרָה אֲסוּרִין, אֶלָּא אֵימָא: הָא צְלָמִים עַצְמָן אֲסוּרִין, וּסְתָמָא כְּרַבִּי מֵאִיר.

Rabbi Shimon ben Lakish replied: **Do not say** that the indication is that **fragments of** objects of **idol worship are forbidden; rather say that** the indication is that full **statues themselves are forbidden, and the unattributed** mishna is **in accordance with** the opinion of **Rabbi Meir,** who, in the previous mishna, prohibits any statue as it is possible that it is worshipped annually.

וְרַבִּי יוֹחָנָן, מִדְּרַבִּי מֵאִיר נִשְׁמַע לְהוּ לְרַבָּנַן; לָאו אָמַר רַבִּי מֵאִיר: צְלָמִים אֲסוּרִין, שִׁבְרֵי צְלָמִים מוּתָּרִין? לְרַבָּנַן עֲבוֹדָה זָרָה נַמִּי, הֵיא אֲסוּרָה וּשְׁבָרֶיהָ מוּתָּרִין!

The Gemara asks: **But** how does **Rabbi Yoḥanan** refute the following logic: **From** the opinion **of Rabbi Meir** one can **learn** a detail **with regard to** the opinion of **the Rabbis. Doesn't Rabbi Meir say** that **statues are forbidden,** while **fragments of statues are permitted?** From this, one can derive that this is true **according to the Rabbis as well** with regard to objects of **idol worship:** The object itself **is forbidden, but its fragments are permitted.**

הָכִי הָשְׁתָּא? הָתָם אֵימַר עֲבָדוּם אֵימַר לֹא עֲבָדוּם, וְאִם תִּמְצֵי לוֹמַר עֲבָדוּם – אֵימַר בִּטְּלוּם; עֲבוֹדָה זָרָה וַדַּאי עֲבָדוּהָ, מִי יֵימַר דְּבִטְּלָהּ? הָוֵי סָפֵק וּוַדַּאי, וְאֵין סָפֵק מוֹצִיא מִידֵי וַדַּאי!

The Gemara rejects this comparison: **How can** these cases **be compared? There,** in the case of statues, the fragments are permitted because there is room to **say** that people **worshipped them,** and there is also room to **say** that people **did not worship them; and** even **if you say** that people **worshipped them,** there is room to **say** that their owners subsequently **revoked them.** This is not comparable to an object of **idol worship,** which people **certainly worshipped,** and **who is to say that** its owner certainly **revoked it? It is** a conflict between **an uncertainty** as to whether or not it was revoked, **and a certainty** that it was worshipped, **and** the principle is that **an uncertainty does not override a certainty.**

וְאֵין סָפֵק מוֹצִיא מִידֵי וַדַּאי? וְהָתַנְיָא: חָבֵר שֶׁמֵּת וְהִנִּיחַ מְגוּרָה מְלֵאָה פֵּירוֹת, אֲפִילּוּ הֵן בְּנֵי יוֹמָן – הֲרֵי הֵן בְּחֶזְקַת מְתוּקָּנִין;

The Gemara asks: **And does an uncertainty not override a certainty? But isn't it taught** in a *baraita*: In the case of a ***ḥaver***[B] **who died**[H] **and left a storehouse filled with produce, even** if the produce was there only **that day,** it has the **presumptive status of** produce that was ritually **prepared,** i.e., properly tithed. This is due to the presumption that the *ḥaver* tithed the produce himself or instructed others to do so.

וְהָא הָכָא דְּוַדַּאי טְבִילִי, סָפֵק עַשְּׂרִינְהוּ סָפֵק לָא עַשְּׂרִינְהוּ, וְקָאָתֵי סָפֵק וּמוֹצִיא מִידֵי וַדַּאי!

The Gemara infers: **And here,** in this case, the produce was **certainly untithed** at the outset, and there is **uncertainty** whether the *ḥaver* **tithed it,** and there is **uncertainty** whether **he did not tithe it, and** despite this conflict, **the uncertainty** whether it was tithed **comes and overrides the certainty** that it was untithed produce.

הָתָם וַדַּאי וּוַדַּאי הוּא, דְּוַדַּאי עַשְּׂרִינְהוּ, כִּדְרַבִּי חֲנִינָא חוֹזָאָה, דְּאָמַר רַבִּי חֲנִינָא חוֹזָאָה: חֶזְקָה עַל חָבֵר שֶׁאֵינוֹ מוֹצִיא דָּבָר שֶׁאֵינוֹ מְתוּקָּן מִתַּחַת יָדוֹ.

The Gemara rejects this claim: **There,** in that case, conflict **is** between **certainty and certainty,**[N] **as** the *ḥaver* **certainly tithed** the produce. This presumption is **in accordance with** the statement **of Rabbi Ḥanina Ḥoza'a; as Rabbi Ḥanina Ḥoza'a says:** There is **a presumption with regard to a *ḥaver* that he does not release an item from his possession that is not** ritually **prepared.**

HALAKHA

A *ḥaver* who died, etc. – חָבֵר שֶׁמֵּת וכו': If a Torah scholar died and left produce behind, even if he had brought it home that day, it has the presumptive status of being properly tithed (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser* 10:2).

NOTES

Certainty and certainty – וַדַּאי וּוַדַּאי: The understanding is that the presumption with regard to a *ḥaver* is itself definitive. Therefore, just as the produce was certainly once untithed, so too, the *ḥaver* had certainly tithed it.

BACKGROUND

***Ḥaver* – חָבֵר:** The *ḥaver* mentioned here is a member of a society or movement called the *ḥaverim*, which was active during the period of the Mishna and thereafter. The *ḥaverim* were those who accepted upon themselves, in a special ceremony, to observe the code of *ḥaverut*, which consists of the meticulous separation of *terumot* and tithes as well as the observance of ritual purity, which most ordinary people treated more casually. Torah scholars were typically *ḥaverim*, but a *ḥaver* may not necessarily have been a true Torah scholar. Nevertheless, *ḥaverim* were careful in mitzva observance and knowledgeable in practical *halakha*.

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וְאִי בָּעֵית אֵימָא: מַעִיקָּרָא לָא טְבִילִי סָפֵק וְסָפֵק הוּא,

And if you wish, say instead that perhaps the produce did **not initially** have the status of **untithed** produce, and therefore the conflict **is** between **uncertainty and uncertainty.**

אֲפִשָּׁר דַּעֲבַד כִּדְרַבִּי אוֹשַׁעְיָא, דְּאָמַר: מַעֲרִים אָדָם עַל תְּבוּאָתוֹ וּמַכְנִיסָהּ בַּמּוֹץ שֶׁלָּהּ, כְּדֵי שֶׁתְּהֵא בְּהֶמְתּוֹ אוֹכֶלֶת וּפְטוּרָה מִן הַמַּעֲשֵׂר.

This is because **it is possible that** there was never an obligation to tithe the produce, as the *ḥaver* may have **acted in accordance with** the statement **of Rabbi Oshaya, who says** that **a person can employ artifice** to circumvent obligations incumbent upon him in dealing **with his grain,**[NH] **and bring it into** his courtyard **in its chaff so that his animal may eat** from it. **And** this grain **is exempt from tithes.** Although the obligation to tithe produce that has been fully processed applies even to animal fodder, it is permitted to feed one's animal untithed produce that has not been fully processed. In light of this *halakha* it is possible that the produce in the storehouse of the *ḥaver* never needed to be tithed. Consequently, this case is a conflict between two uncertain factors, as it is uncertain whether or not the owner was obligated to tithe the produce in the first place, and even if he was required to do so, it is uncertain whether or not he tithed it.

וְאֵין סָפֵק מוֹצִיא מִידֵי וַדַּאי? וְהָתַנְיָא, אָמַר רַבִּי יְהוּדָה: מַעֲשֶׂה בִּשְׁפְחָתוֹ

The Gemara raises another objection: **And** is it so that **an uncertainty does not override a certainty? But isn't it taught** in a *baraita* that **Rabbi Yehuda said:** There was **an incident involving the maidservant**

NOTES

A person may employ artifice with his grain – מַעֲרִים אָדָם עַל תְּבוּאָתוֹ: By Torah law, there is no obligation to take tithes or *teruma* from produce unless it has already been threshed and gathered into complete, smoothed piles. At that point the produce is deemed grain, and the verse that commands us to give a priest: "The first fruits of your grain" (Deuteronomy 18:4), applies. Even at that stage, as long as the grain has not been brought into one's house in the normal fashion, it is not yet deemed untithed produce, which by Torah law it is prohibited to eat. Nevertheless, the Sages issued a rabbinic decree formally rendering it prohibited to eat produce even before it has been threshed and gathered. They permitted an irregular meal, which includes feeding one's animal, whose eating is always considered irregular.

HALAKHA

A person may employ artifice with his grain – מַעֲרִים אָדָם עַל תְּבוּאָתוֹ: It is permitted to bring grain in its chaff into one's courtyard in order to feed his animal from it, without first taking tithes. One may also bring it into his house and winnow it bit by bit, thereby circumventing the obligation to take tithes, which takes effect only when the entire batch is processed (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser* 3:6; *Shulḥan Arukh*, *Yoreh De'a* 331:84).

Perek **III**
Daf **42** Amud **a**

שֶׁל מֵצִיק אֶחָד בְּרִימּוֹן שֶׁהִטִּילָה נֵפֶל לַבּוֹר, וּבָא כֹּהֵן וְהִצִּיץ לֵידַע אִם זָכָר אִם נְקֵבָה, וּבָא מַעֲשֶׂה לִפְנֵי חֲכָמִים וְטִיהֲרוּהוּ, מִפְּנֵי שֶׁחוֹלְדָּה וּבַרְדְּלָס מְצוּיִין שָׁם;

of one violent person [*metzik*][L] **in** the city of **Rimon,**[B] **who cast a non-viable newborn into a pit, and a priest came and looked**[N] into the pit **to ascertain whether** the baby was **male** or **whether** it was **female,** as the length of time of a woman's ritual impurity after childbirth, even if she gave birth to a non-viable newborn, depends on whether the child was male or female (see Leviticus, chapter 12). **And the incident came before the Sages** to rule whether or not the priest had contracted ritual impurity while standing over the corpse, **and they deemed him ritually pure.** The basis for this ruling was **due to** the fact **that** as **martens and polecats** [*bardelas*][B] **are common there,** it is likely that the body was dragged away before the priest arrived at the pit.

וְהָא הָכָא דְּוַדַּאי הִטִּילָה נֵפֶל, סָפֵק גְּרָרוּהוּ סָפֵק לֹא גְּרָרוּהוּ, וְקָאָתֵי סָפֵק וּמוֹצִיא מִידֵי וַדַּאי!

The Gemara concludes its objection: **And here,** in this case, **where** it is **certain** that the woman **cast** the **non-viable newborn** into the pit, and it is **uncertain** whether an animal **dragged it** away and it is **uncertain** whether **no** animal **dragged it** away, the Sages nevertheless ruled that **an uncertainty comes and overrides a certainty.**

LANGUAGE

Violent person [*metzik*] – מֵצִיק: Some commentaries read *masik*, a producer of olive oil (*Tosefot HaRashba*).

NOTES

And a priest came and looked – וּבָא כֹּהֵן וְהִצִּיץ: Rashi explains that the priest was a scholar and halakhic arbiter who was asked to give instruction with regard to the ritual impurity of the woman. *Tosafot* deem him a fool for looking into the pit as it is prohibited for a priest to render himself impure. Similarly, the Ra'avad terms him an ignoramus for exposing himself to a situation of uncertain impurity without proper cause.

BACKGROUND

Rimon – רִימּוֹן: Rimon was the name of a village in the Lower Galilee, several kilometers from Tzippori.

Polecat [*bardelas*] – בַּרְדְּלָס: The *bardelas* mentioned here is not the same as the *bardelas* mentioned in the mishna in *Bava Kamma* (15b). The mishna there is using a variation of the Greek term πάρδαλις, *pardalis*, meaning cheetah, although the Gemara there (16a) identifies it as the spotted hyena. Here, however, neither of these identifications is likely. Various manuscripts of the Talmud and Midrash have the word *mandaris*, or a variation thereof, instead of *bardelas*. It therefore appears that *bardelas* here is in fact a textual corruption, and that the original term was *mandaris*. *Mandaris* likely refers to a polecat. Alternatively, it could refer to a genet, a mammal of similar size with spots.

Polecat

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לָא תֵּימָא: הִטִּילָה נֵפֶל לַבּוֹר, אֶלָּא אֵימָא: הִטִּילָה כְּמִין נֵפֶל לַבּוֹר.

The Gemara rejects this interpretation of the *baraita*: **Do not say that** the woman certainly **cast a non-viable newborn into a pit; rather, say** that **she cast** an object **similar to a non-viable newborn**[H] **into a pit.** Perhaps it was not the body of an infant; it might have merely been congealed blood, which does not impart impurity. Therefore, it is a conflict between uncertainty and uncertainty; it is unclear whether the item that was cast into the pit could have rendered the priest ritually impure, and even if it could have, it might have already been dragged away.

וְהָא ״לֵידַע אִם זָכָר אִם נְקֵבָה הוּא״ קָתָנֵי!

The Gemara asks: **But isn't it taught** in the *baraita*: **To ascertain whether** it was **male** or **whether** it was **female,** indicating that the only uncertainty was with regard to its sex, as it was certainly a non-viable newborn?

הָכִי קָאָמַר: לֵידַע אִם רוּחַ הַפִּילָה אִם נֵפֶל הִטִּילָה, וְאִם תִּמְצֵי לוֹמַר נֵפֶל הִטִּילָה – לֵידַע אִם זָכָר אִם נְקֵבָה.

The Gemara answers that **this** is what the *baraita* **is saying:** The priest attempted to examine two aspects of the miscarried entity. He sought **to ascertain whether** the woman **miscarried,** bearing **an amorphous mass,**[N] or **whether she cast a non-viable newborn** into the pit; **and if you say** that **she cast a non-viable newborn,** he sought **to ascertain whether** it was **male** or **whether** it was **female.**

וְאִיבָּעֵית אֵימָא: כֵּיוָן שֶׁחוּלְדָּה וּבַרְדְּלָס מְצוּיִין שָׁם, וַדַּאי גְּרָרוּהוּ.

And if you wish, say that there is a different answer: This case is not a conflict between certainty and uncertainty; rather it is a conflict between certainty and certainty. **Since martens and polecats are common there, they certainly dragged** the body away. Consequently, the ruling in this case does not contradict the principle that an uncertainty does not override a certainty.

אֵיתִיבֵיהּ: מָצָא תַּבְנִית יָד, תַּבְנִית רֶגֶל – הֲרֵי אֵלּוּ אֲסוּרִין, מִפְּנֵי שֶׁכַּיּוֹצֵא בָּהֶן נֶעֱבָד; אַמַּאי? הָא שְׁבָרִים נִינְהוּ!

§ The Gemara returns to the dispute with regard to an idol that broke. Rabbi Yoḥanan **raised an objection to** the opinion of Reish Lakish from the mishna: If one **found** an object in **the figure of a hand** or in **the figure of a foot, these are forbidden, as** objects **similar to those are worshipped.** Rabbi Yoḥanan asks: **Why** are they forbidden? **Aren't they fragments,** which according to Reish Lakish should be permitted?

הָא תִּרְגְּמָהּ שְׁמוּאֵל: בְּעוֹמְדִין עַל בְּסִיסָן.

The Gemara answers: **Didn't Shmuel interpret** the mishna as referring to a case **where** these objects **are standing on their pedestals,** which shows that they were designed this way initially?

אֵיתִיבֵיהּ: גּוֹי מְבַטֵּל עֲבוֹדָה זָרָה שֶׁלּוֹ וְשֶׁל חֲבֵרוֹ, וְיִשְׂרָאֵל אֵינוֹ מְבַטֵּל עֲבוֹדָה זָרָה שֶׁל גּוֹי; אַמַּאי? תֵּיהֱוֵי כַּעֲבוֹדָה זָרָה שֶׁנִּשְׁתַּבְּרָה מֵאֲלֵיהָ!

Rabbi Yoḥanan **raised** another **objection to** the opinion of Reish Lakish from a mishna (52b): **A gentile can revoke** the idolatrous status of **his** own object of **idol worship**[H] **or that of another** gentile, **but a Jew cannot revoke** the status of **a gentile's** object of **idol worship.** Rabbi Yoḥanan asks: **Why** can't a Jew revoke the status of a gentile's idol according to Reish Lakish? **Let it be** treated **like** an object of **idol worship that broke on its own,** which Reish Lakish deems permitted.

אָמַר אַבָּיֵי: שֶׁפְּחָסָהּ. וְכִי פְּחָסָהּ מַאי הֲוֵי? וְהָא תְּנַן: פְּחָסָהּ אַף עַל פִּי שֶׁלֹּא חִסְּרָהּ – בָּטְלָה!

Abaye said: That mishna is referring to a case **where** the Jew **bent** the idol out of shape without actually breaking it. The Gemara asks: **And if he** merely **bent** the idol out of shape, **what of it? But didn't we learn** in a mishna (53a) that if one **bent** an idol, changing its shape, **even if he did not remove** any **part of it,**[H] he thereby **revoked** its status as an object of idol worship?

NOTES

Miscarried an amorphous mass – רוּחַ הַפִּילָה: This refers to a sac filled with air that has no resemblance to a fetus, and which would not cause her to become impure.

HALAKHA

She cast an object similar to a non-viable newborn, etc. – הִטִּילָה כְּמִין נֵפֶל וכו׳: A pit where a non-viable newborn was cast renders anything over its airspace ritually impure by Torah law. Even though a marten or a polecat may be found there, the principle is that an uncertainty as to whether or not it was removed does not override the certainty that there was a non-viable newborn there at one time. But if what was cast into the pit was of uncertain identity, and it is also uncertain if the mass is still there since those carnivorous animals are found there, anything extended over the airspace of the pit will remain ritually pure because the possibility of ritual impurity was uncertain from the outset. This is in accordance with the Gemara's more stringent first answer (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:11, and see *Kesef Mishne* there).

A gentile can revoke his own object of idol worship – גּוֹי מְבַטֵּל עֲבוֹדָה זָרָה שֶׁלּוֹ: A gentile can revoke the idolatrous status of his idol and that of another gentile, even against the other gentile's will. A Jew, or for that matter, a gentile who does not worship idolatry, cannot revoke the status of a gentile's idol, and certainly cannot do so to another Jew's idol (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 146:1, 5).

Bent it even if he did not remove part of it – פְּחָסָהּ אַף עַל פִּי שֶׁלֹּא חִסְּרָהּ: If a gentile defaced his own idol or that of another gentile, its status as an object of idol worship is revoked. This is the *halakha* whether he cut off a piece or even if he bent its face without reducing its mass (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:10; *Shulḥan Arukh*, *Yoreh De'a* 146:7).

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הָנֵי מִילֵּי דִּפְחָסָהּ גּוֹי, אֲבָל פְּחָסָהּ יִשְׂרָאֵל – לֹא בָּטְלָה.

The Gemara answers: **This statement** applies only in a case **where a gentile bent** the idol, changing its shape; **but** in a case **where a Jew bent it,**[N] changing its shape, its status as an object of idol worship **is not revoked.**

וְרָבָא אָמַר: לְעוֹלָם כִּי פְּחָסָהּ יִשְׂרָאֵל נַמִּי בָּטְלָה, אֶלָּא גּוֹזֵר דִּלְמָא מַגְבְּהָה לָהּ וַהֲדַר מְבַטֵּיל לָהּ, וְהָוֵי עֲבוֹדָה זָרָה בְּיַד יִשְׂרָאֵל, וְכָל עֲבוֹדָה זָרָה בְּיַד יִשְׂרָאֵל אֵינָהּ בְּטֵלָה לְעוֹלָם.

And Rava said a different answer: **Actually,** the basic *halakha* is that in a case **where a Jew bent it,** changing its shape, its status as an object of idol worship **is also revoked. But** the Sages issued **a decree** that such an idol retains its idolatrous status, **lest** a Jew first **lift it up and then** attempt to **revoke** its status. In this case the idol's status is not revoked, as when a Jew lifts an idol he acquires it, **and it becomes** an object of **idol worship in a Jew's possession, and any** object of **idol worship in a Jew's possession**[H] **can never** have its idolatrous status **revoked.**[N] Therefore, only when an idol breaks on its own does Reish Lakish maintain that its status is revoked.

אֵיתִיבֵיהּ: גּוֹי שֶׁהֵבִיא אֲבָנִים מִן הַמַּרְקוּלִיס וְחִיפָּה בָּהֶן דְּרָכִים וְטַרְטֵיאוֹת – מוּתָּרוֹת, וְיִשְׂרָאֵל שֶׁהֵבִיא אֲבָנִים מִן הַמַּרְקוּלִיס וְחִיפָּה בָּהֶן דְּרָכִים וְטַרְטֵיאוֹת – אֲסוּרוֹת; אַמַּאי? תֶּיהֱוֵי כַּעֲבוֹדָה זָרָה שֶׁנִּשְׁתַּבְּרָה מֵאֵלֶיהָ!

Rabbi Yoḥanan **raised** another **objection to** the opinion of Reish Lakish from a *baraita*: In the case of **a gentile who brought stones from** stone heaps that were used in the worship of the deity **Mercury** [***HaMarkulis***],[B] **and** who then **paved roads and** built **theaters** [***vetarteiot***][L] **with them,**[H] it is **permitted** to derive benefit from them, as the gentile revoked their idolatrous status. **But** in the case of **a Jew who brought stones** that were used in the worship of **Mercury and** who then **paved roads and** built **theaters with them,** it is **prohibited** to derive benefit from them. Rabbi Yoḥanan asked: According to Reish Lakish, **why** does a stone such as this retain its idolatrous status? **Let it be** treated **like** an object of **idol worship that broke on its own,** which Reish Lakish deems permitted.

הָכָא נַמִּי כִּדְרָבָא.

The Gemara answers: **Here too,** Rabbi Yoḥanan's question may be answered **in accordance with** the opinion **of Rava**[N] that the Sages issued a decree that an object of idol worship retains its idolatrous status when a Jew attempts to revoke it, lest the Jew lift and acquire the idol, which would make it impossible to subsequently revoke its status.

אֵיתִיבֵיהּ: גּוֹי שֶׁשִּׁפָּה עֲבוֹדָה זָרָה לְצָרְכּוֹ – הֵיא וְשִׁיפּוּיֶיהָ מוּתָּרִין, לְצָרְכָּהּ – הֵיא אֲסוּרָה וְשִׁיפּוּיֶיהָ מוּתָּרִין; וְיִשְׂרָאֵל שֶׁשִּׁפָּה עֲבוֹדָה זָרָה, בֵּין לְצָרְכּוֹ בֵּין לְצָרְכָּהּ – הֵיא וְשִׁיפּוּיֶיהָ אֲסוּרִין; אַמַּאי? תֶּיהֱוֵי כַּעֲבוֹדָה זָרָה שֶׁנִּשְׁתַּבְּרָה מֵאֵלֶיהָ!

Rabbi Yoḥanan **raised** another **objection to** the opinion of Reish Lakish from a *baraita*: In the case of **a gentile who shaved down** an object of **idol worship**[H] **for his** own **sake,** as he needed the shavings, the idol itself **and its shavings are** then **permitted.** If he did it **for the sake of** the idol, to improve its appearance, the idol **is forbidden, but its shavings are permitted. But** in the case of **a Jew who shaved down** an object of **idol worship, whether** he did it **for his** own **sake or for the sake of** the idol, the idol itself **and its shavings are forbidden.** Rabbi Yoḥanan asked: According to Reish Lakish, in a case where a Jew shaved the idol for his own sake, **why** are the shavings forbidden? **Let it be** treated **like** an object of **idol worship that broke on its own.**

הָכָא נַמִּי כִּדְרָבָא.

The Gemara answers: **Here too,** Rabbi Yoḥanan's question may be answered **in accordance with** the opinion **of Rava** that the Sages issued a decree that an object of idol worship retains its idolatrous status when a Jew attempts to cause it to be revoked.

NOTES

But where a Jew bent it – אֲבָל פְּחָסָהּ יִשְׂרָאֵל: What is the difference between a gentile bending it and changing its shape, and a Jew doing so? And why is a Jew's bending of it less effective according to Reish Lakish than if the idol had broken of its own accord? Some explain that when a gentile bends it, changing its shape, its idolatrous status is revoked because he is certainly doing so due to his disgust with the idol. But if a Jew bends it the gentile will not necessarily view the damage as serious, and he might not despair and say: It could not even save itself from harm; how can it save me from harm (see 41b)? Therefore, this does not effect a revocation of its status as an object of idol worship, which does occur when the idol breaks of its own accord.

Any object of idol worship in a Jew's possession can never be revoked – כָּל עֲבוֹדָה זָרָה בְּיַד יִשְׂרָאֵל אֵינָהּ בְּטֵלָה לְעוֹלָם: The *Smag* explains that the reason for this *halakha* is a rabbinically issued decree due to the case's similarity to idolatrous objects constructed by a Jew, which cannot have their status as objects of idol worship revoked. Rashi seems to indicate that it is by Torah law that one may not derive benefit from such an object that is in a Jew's possession.

Here too in accordance with Rava – הָכָא נַמִּי כִּדְרָבָא: Rashi understands that the decree mentioned by Rava, which safeguards against a case where a Jews would lift and accidentally acquire an idol, applies to this case as well. The Rid questions this explanation because the stone piles dedicated to Mercury were too large and unwieldy to be lifted together. To account for this, he explains that once the Sages issued their decree, they did not allow for differentiation between cases, ruling that a Jew's revocation of the idolatrous status of a gentile's idol is not effective.

BACKGROUND

Mercury [*Markulis*] – מַרְקוּלִיס: The Roman god Mercurius parallels the Greek god Hermes, although some suggest that the deity referred to in the mishna is Mercurius Helipolitanus, which was a local Syrian idol, influenced by Greek and Roman traditions.

This deity was viewed by its worshippers as the protector of travelers, and specifically of traveling merchants, which is why the representation of this deity appeared most often at crossroads. Oftentimes, the idol was not a full statue, but was comprised of just a head on a base. Worship consisted of throwing a stone or pebble at the statue, and over time piles of rocks were formed, which served as the deity itself. From the mishna it appears that sometimes there was no idol at all, and the representation was simply a symbolic pile of stones, two placed side by side and a third placed above them.

LANGUAGE

Theaters [*tarteiot*] – טַרְטֵיאוֹת: From the Greek θέατρον, *theatron*, meaning a place where performances are staged or a place of public gathering. From the context, it seems that the word should be *stratiyot*, from the Greek στράτα, *strata*, or the Latin strata, meaning a road or a public thoroughfare, which was paved with various types of stones. This conflict of interpretation has no halakhic ramifications.

HALAKHA

Any object of idol worship in a Jew's possession – כָּל עֲבוֹדָה זָרָה בְּיַד יִשְׂרָאֵל: Once a Jew takes possession of an object of idol worship, its idolatrous status can no longer be revoked. This is the *halakha* even where the first owner retains a claim over the item, such as a case where the Jew acquired it before the owner despaired of recovering it, and even if the Jew stole it (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 146:2 and *Shakh* there).

Paved roads…with them, etc. – חִיפָּה בָּהֶם דְּרָכִים וכו': If a gentile took stones used in the worship of Mercury and used them as building material or to pave streets and the like, their status as objects of idol worship is thereby revoked (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:12).

A gentile who shaved down an object of idol worship – גּוֹי שֶׁשִּׁפָּה עֲבוֹדָה זָרָה: If a gentile took a branch, or even a leaf, for his own purposes, from a tree worshipped as part of idolatrous rites, the status of both the branch or leaf, and of the tree itself, as objects of idol worship, is revoked. If he pruned the tree for its own sake, to improve its growth or appearance, it remains prohibited to derive benefit from the tree, though the removed piece is permitted (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:12; *Shulḥan Arukh*, *Yoreh De'a* 146:6).

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אֵיתִיבֵיהּ, רַבִּי יוֹסֵי אוֹמֵר: שׁוֹחֵק וְזוֹרֶה לָרוּחַ אוֹ מַטִּיל לַיָּם. אָמְרוּ לוֹ: אַף הֵיא נַעֲשָׂה זֶבֶל, וּכְתִיב: ״לֹא יִדְבַּק בְּיָדֶךָ מְאוּמָה מִן הַחֵרֶם״; אַמַּאי? תֶּיהֱוֵי כַּעֲבוֹדָה זָרָה שֶׁנִּשְׂתַּבְּרָה מֵאֵלֶיהָ!

Rabbi Yoḥanan **raised** another **objection to** the opinion of Reish Lakish from a mishna (43a): **Rabbi Yosei says:** When one encounters an idol, he should **grind** the idol **and throw** the dust **to the wind**[H] **or cast** it **into the sea.** The Rabbis **said to him:** What is the good of that? **That also** gives a Jew benefit from the idol, as it **becomes fertilizer**[N] for his crops, **and** deriving any kind of benefit is prohibited, as **it is written:** "And **nothing of the proscribed items shall cleave to your hand"** (Deuteronomy 13:18). Rabbi Yoḥanan asked: According to Reish Lakish, **why** is this prohibited? **Let it be** treated **like** an object of **idol worship that broke on its own.**

הָכָא נַמִּי כִּדְרָבָא.

The Gemara answers: **Here too,** Rabbi Yoḥanan's question may be answered **in accordance with** the opinion **of Rava** cited above, that the Sages issued a decree with regard to this matter.

אֵיתִיבֵיהּ, רַבִּי יוֹסֵי בֶּן יָסִיאָן אוֹמֵר: מָצָא צוּרַת דְּרָקוֹן וְרֹאשׁוֹ חָתוּךְ, סָפֵק גּוֹי חֲתָכוֹ, סָפֵק יִשְׂרָאֵל חֲתָכוֹ – מוּתָּר, וַדַּאי יִשְׂרָאֵל חֲתָכוֹ – אָסוּר; אַמַּאי? תֶּיהֱוֵי כַּעֲבוֹדָה זָרָה שֶׁנִּשְׂתַּבְּרָה מֵאֵלֶיהָ!

Rabbi Yoḥanan **raised** another **objection to** the opinion of Reish Lakish from a *baraita*: **Rabbi Yosei ben Yasian says:** If one **found** an object in **the figure of a dragon** [***derakon***][L] **with its head severed,** but it is **uncertain** whether **a gentile severed it** and it is **uncertain** whether **a Jew severed it,** the object is **permitted.** But if it is **certain** that **a Jew severed it,** it is **forbidden.** Rabbi Yoḥanan asked: According to Reish Lakish, **why** is it forbidden? **Let it be** treated **like** an object of **idol worship that broke on its own.**

הָכָא נַמִּי כִּדְרָבָא.

The Gemara answers: **Here too,** Rabbi Yoḥanan's question may be answered **in accordance with** the opinion **of Rava** that the Sages issued a decree with regard to this matter.

אֵיתִיבֵיהּ, רַבִּי יוֹסֵי אוֹמֵר: אַף לֹא יְרָקוֹת בֵּימוֹת הַגְּשָׁמִים, מִפְּנֵי שֶׁהַנִּבְיָה נוֹשֶׁרֶת עֲלֵיהֶן; אַמַּאי? תֶּיהֱוֵי כַּעֲבוֹדָה זָרָה שֶׁנִּשְׂתַּבְּרָה מֵאֵלֶיהָ!

Rabbi Yoḥanan **raised** another **objection to** the opinion of Reish Lakish from a *baraita*: **Rabbi Yosei says** that one may **not even** plant **vegetables**[N] **in the rainy season**[H] under a tree worshipped as an idol, **as foliage may fall on them,** serving as fertilizer. Rabbi Yoḥanan asked: According to Reish Lakish, **why** should a leaf from such a tree retain its idolatrous status? **Let it be** treated **like** an object of **idol worship that broke on its own.**

שָׁאנֵי הָתָם, דְּעִיקַּר עֲבוֹדָה זָרָה קַיֶּימֶת.

The Gemara answers: **There it is different, as the main** object of **idol worship,** the tree, still **exists**[N] fully intact.

LANGUAGE

Dragon [*derakon*] – דְּרָקוֹן: From the Greek δρακών, *drakon*, the dragon was the legendary monster, usually depicted as a huge snake. In fact, in Greek, and occasionally in the Talmud, the word is used to describe an ordinary snake. In several religions dragons were used as symbols of the powers of an idol. In others, the dragon symbols themselves were worshipped.

Ancient Greek depiction of the mythical prince Cadmus fighting a dragon

HALAKHA

Grind and throw to the wind, etc. – שׁוֹחֵק וְזוֹרֶה לָרוּחַ וכו': If one finds an object of idol worship, it is a mitzva to destroy it. He may grind it up and then throw it to the wind or cast it into the sea, in accordance with the opinion of Rabbi Yosei. Some say that he may cast it, as it is, into the Dead Sea (*Beit Yosef*; *Darkhei Moshe*). The *Baḥ* does not differentiate, maintaining that even when casting it into the Dead Sea, it must be ground up first (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:6; *Shulḥan Arukh*, *Yoreh De'a* 146:14).

Vegetables in the rainy season, etc. – יְרָקוֹת בֵּימוֹת הַגְּשָׁמִים וכו': It is permitted to plant vegetables under a tree that is worshipped as part of idolatrous rites, whether during the rainy season or even during the summer when they benefit directly from the tree's shade. Though the plants derive benefit from the shade, their growth is caused by both the forbidden shade and the permitted land, and according to the Gemara's conclusion later, when a change is effected by both permitted and forbidden causes, it remains permitted (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:14; *Shulḥan Arukh*, *Yoreh De'a* 142:11).

NOTES

That also becomes fertilizer – אַף הֵיא נַעֲשָׂה זֶבֶל: Even though he personally will not derive benefit from the ground-up idol, another Jew might derive benefit from it, so the grinding, which was done to prevent the derivation of any benefit, will have been ineffective (Rashi).

Not even vegetables – אַף לֹא יְרָקוֹת: The Rabbis rendered it prohibited to plant vegetables during the summer underneath an tree worshipped as part of idolatrous rites because one would derive benefit from the shade provided by the worshipped tree, but they allowed it during the rainy season when the shade is unnecessary. Rabbi Yosei claims that even during the rainy season this should be prohibited because fallen leaves act as fertilizer for the vegetables.

As the main object of idol worship exists – דְּעִיקַּר עֲבוֹדָה זָרָה קַיֶּימֶת: The Ra'avad explains this in two ways. Either it means that the gentile reveres the leaves in addition to the tree and they are therefore bona fide objects of idol worship. Alternatively, they are not objects of idol worship themselves, but they fall under a rabbinic decree enacted to safeguard against deriving benefit from the tree itself.

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NOTES

Its manner of growth, etc. – דַּרְכָּן גִּדּוּלָּתָן וכו׳: Since the leaves of the tree that is worshipped as part of idolatrous rites become detached by means of a natural process, this cannot be viewed as a revocation of the tree's idolatrous status. By contrast, in the case of the shavings, since the scraping of the idol is done by a person, he revokes the idolatrous status of that which he scrapes.

May not benefit, etc. – לֹא נֶהֱנִין וכו׳: It is prohibited by rabbinic law to derive benefit from the nest. This was enacted as a safeguard against deriving benefit from the consecrated tree itself. By Torah law, it is not consecrated property. If it were, it would then render one who uses it liable to bring a guilt-offering for misusing consecrated property.

Knock with a pole – יַתִּיז בְּקָנֶה: Rashi explains that he may knock the nest off the tree with a pole. One may not climb the tree to reach the nest, as climbing on the tree would be deriving benefit from the tree itself. *Tosafot* explain that even if the nest is perched low one may not remove it with his hand, in order to avoid suspicion that he is detaching branches from the tree.

May not benefit by rabbinic law – לֹא נֶהֱנִין מִדְּרַבָּנַן: Why did the Sages issue a decree rendering it prohibited to derive any benefit from a consecrated tree, but in the case of a tree worshipped as part of idolatrous rites, they permitted one to knock off the desired item? Rashi explains that there was no need to safeguard against usage of the worshipped tree itself as Jews are repulsed by it and are therefore naturally predisposed against deriving benefit from it.

וְהָא שִׁיפּוּיִין, דְּעִיקַּר עֲבוֹדָה זָרָה קַיֶּימֶת, וְקָתָנֵי: לְצָרְכָּהּ – הֵיא אֲסוּרָה וְשִׁיפּוּיֶיהָ מוּתָּרִין!

The Gemara asks: **But** consider the case of **shavings, where the main** object of **idol worship** still **exists, and** nevertheless **it is taught** in the *baraita* cited earlier that if a gentile shaved an idol down **for its** own **sake,** the idol is **forbidden, but its shavings are permitted.** Here too, in the case of the fallen leaves of a tree that is worshipped as an idol, it should be permitted to derive benefit from them.

רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ אָמַר: לְפִי שֶׁאֵין עֲבוֹדָה זָרָה בְּטֵלָה דֶּרֶךְ גִּדּוּלָּתָהּ.

Rav Huna, son of Rav Yehoshua, says: The reason the leaves are not permitted is **because** the status of an object of **idol worship cannot be revoked** by **its** natural **manner of growth.**[N] Since the falling of leaves is a natural phenomenon, their detachment from the tree does effect a revocation of their status as objects of idol worship.

אֵיתִיבֵיהּ רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ לְרַבִּי יוֹחָנָן: קֵן שֶׁבְּרֹאשׁ הָאִילָן שֶׁל הֶקְדֵּשׁ – לֹא נֶהֱנִין וְלֹא מוֹעֲלִין, בְּרֹאשָׁהּ שֶׁל אֲשֵׁרָה – יַתִּיז בְּקָנֶה;

Rabbi Shimon ben Lakish raised an objection to the opinion of **Rabbi Yoḥanan** from a mishna (*Me'ila* 13b): With regard to a bird's **nest at the top of a tree that belongs to the Temple**[H] treasury, one **may not** derive **benefit**[N] from it *ab initio*, **but** if one derived benefit from it, he is **not** liable for **misuse** of property consecrated to the Temple. With regard to a nest that is **at the top of a tree** used as part of idolatrous rites [***ashera***],[H] although one may not climb the tree, as that would be benefiting from an object of idol worship, he **may knock** the nest off **with a pole**[N] and benefit from it by using it for firewood and the like.

קָא סָלְקָא דַּעְתָּךְ כְּגוֹן שֶׁשָּׁבְרָה מִמֶּנּוּ עֵצִים וְקִינְּנָתָה בָּהֶן, וְקָתָנֵי: יַתִּיז בְּקָנֶה!

In analyzing this *baraita*, **it enters your mind** that this is referring to a case **where** the bird **broke off branches from** the worshipped tree **and built a nest with them. And** yet, the *baraita* **teaches** that one may **knock** the nest off **with a pole** and it is then permitted to benefit from it. Apparently, the forbidden branches used in the construction of the nest lost their idolatrous status without human involvement, in accordance with the opinion of Reish Lakish that an idol that breaks loses its status.

הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן דְּאַייְתֵי עֵצִים מֵעָלְמָא וְקִינְּנָתָה בָּהֶן.

The Gemara explains: **Here we are dealing with** a case **where** the bird **brought branches from elsewhere and built a nest with them** on top of the worshipped tree. The branches were never part of an object of idol worship.

דַּיְקָא נַמִּי, דְּקָתָנֵי גַּבֵּי הֶקְדֵּשׁ: לֹא נֶהֱנִין וְלֹא מוֹעֲלִין; אִי אָמְרַתְּ בִּשְׁלָמָא דְּאַייְתֵי עֵצִים מֵעָלְמָא, הַיְינוּ דְּקָתָנֵי גַּבֵּי הֶקְדֵּשׁ: לֹא נֶהֱנִין וְלֹא מוֹעֲלִין – לֹא נֶהֱנִין מִדְּרַבָּנַן, וְלֹא מוֹעֲלִין מִדְּאוֹרַייְתָא, דְּהָא לָא קַדִּישִׁי;

The Gemara comments: The language of the mishna **is also precise** if read with this understanding, **as it teaches with regard to** a nest in **a consecrated** tree: One **may not** derive **benefit** from it *ab initio*, **but** if one derived benefit from it, he is **not** liable for **misuse** of consecrated property. **Granted, if you say that** the bird **brought branches from elsewhere, this** explanation is consistent with that **which** the mishna **teaches with regard to** a nest in **a consecrated** tree, namely, that one **may not** derive **benefit** from it, **but** if one derived benefit from it, he is **not** liable for **misuse** of consecrated property. According to this understanding of the mishna, one **may not** derive **benefit** from the nest **by rabbinic law,**[N] **but** if one derived benefit from it, he is **not** liable for **misusing** consecrated property **by Torah law, as** the branches **are not consecrated,** but were brought from elsewhere.

HALAKHA

Nest at the top of a tree that belongs to the Temple – קֵן שֶׁבְּרֹאשׁ הָאִילָן שֶׁל הֶקְדֵּשׁ: If one finds a tree consecrated to the Temple with a nest atop it that was built by a bird using twigs and branches, even if these materials were gathered from elsewhere the person may not derive benefit from the nest or from any eggs that it may contain, or from any chicks therein provided that they still need their mother for survival. If one does derive benefit from them, it is not considered as misuse of consecrated property and he is not liable to bring a guilt-offering (Rambam *Sefer Avoda*, *Hilkhot Me'ila* 5:7 and Mahari Kurkus there).

At the top of an *ashera* – בְּרֹאשָׁהּ שֶׁל אֲשֵׁרָה: It is prohibited to derive benefit from a nest resting atop an *ashera*, as well as from any eggs that may be found therein. The *halakha* is the same concerning chicks found inside that still need their mother to survive. If they can survive independently, one may derive benefit from them. If the nest was built from wood that was not gathered from the tree itself, but from elsewhere, it is also permitted to derive benefit from the nest. According to the Ra'avad, this is the *halakha* only when it is known conclusively that the wood came from elsewhere. The Rema adds that one should not climb the worshipped tree in order to take the permitted chicks. Rather, one should knock them off the tree with a stick. This is in accordance with the mishna and with the Gemara's final explanation (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:12; *Shulḥan Arukh*, *Yoreh De'a* 142:8).

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אֶלָּא אִי אָמְרַתְּ שֶׁשָּׁבְרָה עֵצִים מִמֶּנּוּ וְקִינְּנָתָה בָּהֶן, אַמַּאי לֹא מוֹעֲלִין? הָא קָדִישִׁי!

But if you say that the bird **broke off branches from** the tree itself **and built a nest with them, why** is it taught that one who derives benefit from it is **not** liable for **misusing** consecrated property? **Aren't** the branches **consecrated?** Evidently, the mishna is referring to a nest that was built with branches from other trees, in accordance with Rabbi Yoḥanan's understanding that an object of idol worship that broke on its own is still forbidden.

מִידֵּי אִירְיָא? הָכָא בְּגִידּוּלִין הַבָּאִין לְאַחַר מִכָּאן עָסְקִינַן, וְקָא סָבַר: אֵין מְעִילָה בְּגִידּוּלִין.

The Gemara responds to this proof for Rabbi Yoḥanan's understanding of the mishna: Does this **argument** prove **anything?** The mishna can still be interpreted as referring to a case where the branches for the nest came from the tree itself, and **here we are dealing with** a case of **growths that came afterward,** i.e., branches that grew after the tree was consecrated, **and** the *tanna* of the mishna **holds** that **there is no** prohibition against the **misuse** of consecrated property **with regard to** such **growths.**

וְרַבִּי אַבָּהוּ אָמַר רַבִּי יוֹחָנָן: מַאי יַתִּיז? יַתִּיז בְּאֶפְרוֹחִין.

Another explanation of the mishna in accordance with the opinion of Rabbi Yoḥanan is presented. **Rabbi Abbahu** says that **Rabbi Yoḥanan says: What** does it mean that one **may knock** off the nest? It means that one **may knock** off **the chicks;** but one may not derive benefit from the nest itself.

אָמַר לֵיהּ רַבִּי יַעֲקֹב לְרַבִּי יִרְמְיָה בַּר תַּחְלִיפָא, אַסְבָּרָהּ לָךְ: בְּאֶפְרוֹחִין – כָּאן וְכָאן מוּתָּרִין, בְּבֵיצִים – כָּאן וְכָאן אֲסוּרִין. אָמַר רַב אַשִׁי: וְאֶפְרוֹחִין שֶׁצְּרִיכִין לְאִמָּן כְּבֵיצִים דָּמוּ.

Rabbi Ya'akov said to Rabbi Yirmeya bar Taḥlifa: I will explain the mishna **to you: With regard to** the **chicks,** which can fly away and are not confined to the tree, both **here and there,** i.e., both in the case of a tree consecrated to the Temple treasury and in the case of a tree used for idol worship, deriving benefit from them is **permitted.** But **with regard to** the **eggs,** both **here and there,** i.e., both in the case of a tree consecrated to the Temple treasury and in the case of a tree used for idol worship, deriving benefit from them is **prohibited,**[N] as they are not seen as independent of the tree. **Rav Ashi** added to this and **said: And chicks that** still **need their mother** to survive **are** considered **like eggs;** deriving benefit from them is prohibited.

מתני׳ הַמּוֹצֵא כֵּלִים וַעֲלֵיהֶם צוּרַת חַמָּה, צוּרַת לְבָנָה, צוּרַת דְּרָקוֹן – יוֹלִיכֵם לְיַם הַמֶּלַח; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: שֶׁעַל הַמְכוּבָּדִין – אֲסוּרִין, שֶׁעַל הַמְבוּזִין – מוּתָּרִין.

MISHNA In the case of **one who finds vessels, and upon them is a figure of the sun,**[NH] **a figure of the moon,** or **a figure of a dragon,**[N] **he must take them** and cast them **into the Dead Sea**[B] and not derive any benefit from them, as they are assumed to be objects of idol worship. **Rabban Shimon ben Gamliel says:** Those figures **that** are **upon respectable** vessels **are forbidden.** Those **that are upon disgraceful vessels are permitted.**

גמ׳ לְמֵימְרָא, דְּלָהֲנֵי הוּא דְּפָלְחֵי לְהוּ, לְמִידֵי אַחֲרִינָא לָא? וּרְמִינְהִי: הַשּׁוֹחֵט לְשׁוּם יַמִּים, לְשׁוּם נְהָרוֹת, לְשׁוּם מִדְבָּר, לְשׁוּם חַמָּה, לְשׁוּם לְבָנָה, לְשׁוּם כּוֹכָבִים וּמַזָּלוֹת, לְשׁוּם מִיכָאֵל שַׂר הַגָּדוֹל, לְשׁוּם שִׁילְשׁוּל קָטָן – הֲרֵי אֵלּוּ זִבְחֵי מֵתִים!

GEMARA The Gemara asks with regard to the specific figures listed in the mishna: **Is this to say that** people **worship only these** figures, **but not** any **other item? And** the Gemara **raises a contradiction** between this list and that which is taught in another mishna (*Ḥullin* 39b): With regard to **one who slaughters** an animal **for the sake of,** i.e., to worship, **seas,**[H] **for the sake of rivers, for the sake of the wilderness, for the sake of the sun, for the sake of the moon, for the sake of the stars and constellations, for the sake of Michael the great ministering** angel, or even **for the sake of a small worm,** in all of **these** cases, the animal is forbidden, as these animals have the status of **offerings to the dead,**[B] i.e., idols.

BACKGROUND

The Dead Sea – יַם הַמֶּלַח: The expression: Dead Sea, can sometimes apply to any saltwater sea, as opposed to a freshwater lake, but it usually refers specifically to the Dead Sea, which is also referred to in talmudic sources as the Sea of Sodom. Any object from which it is prohibited to derive benefit must be cast into the Dead Sea since there are no fishermen or people who will retrieve items that are cast there. It is also possible that due to the high density of salt in the Dead Sea, objects cast into it become rusty and decay in a short period of time and cannot be used anymore.

Offerings to the dead – זִבְחֵי מֵתִים: This term refers to animals that were sacrificed as offerings to idols. This expression is based on the verse: "And they joined themselves unto Ba'al-Peor, and ate the offerings to the dead" (Psalms 106:28).

NOTES

With regard to eggs, here and there it is prohibited – בְּבֵיצִים כָּאן וְכָאן אֲסוּרִין: Rashi explains that since the eggs still need to rest in the tree and are unable to thrive independently, they are like an extension of the tree itself. The Ra'avad explains that since they hatch and grow upon the tree and need it for their survival, they are considered as part of the tree. *Tosafot* explain otherwise; the reason the eggs are forbidden is not because of their connection to the forbidden tree. Rather, the Sages issued an additional decree in the case of the eggs as one may have refrained from knocking the nest down for fear that the eggs may break, and he may have instead come to climb and derive benefit from the tree itself.

Figure of the sun – צוּרַת חַמָּה: Rashi explains that this is a depiction of the sun. In Rambam's Commentary on the Mishna and elsewhere it is explained that this refers not a circle or some other shape, as these were not the images through which the gentiles would worship the sun (*Shakh*). Rather, each celestial object was given a corresponding human depiction. For example, the sun was represented by a king riding in a wagon, and an eclipse was represented by a maiden bedecked with golden jewelry. The Maharam explains that this is also Rashi's intended meaning.

Figure of a dragon – צוּרַת דְּרָקוֹן: The early commentaries give different descriptions of this dragon. The Ra'avad describes it as a snake that people worshipped and formed images of out of fear. Similarly, the *Arukh* describes it as a huge snake with sharp vision. Rabbeinu Yehonatan of Lunel writes that it is a flying snake that breathes fire. In Rambam's Commentary on the Mishna it says that what is meant here is the symbolic image of the path of the constellations and it therefore shares the same idolatrous status as figures of constellations.

HALAKHA

One who finds vessels and upon them is a figure of the sun, etc. – הַמּוֹצֵא כֵּלִים וַעֲלֵיהֶם צוּרַת חַמָּה וכו׳: It is prohibited to derive benefit from vessels that have on them an image of the sun, the moon, or a dragon. This applies only if they are vessels of value. If they are disgraceful vessels, one can assume they were formed for ornamental purposes and not for worship. The *Shakh* maintains that even vessels that are not particularly valuable are forbidden as long as they are not disgraceful. All this applies to vessels whose history is unknown. If it is known that they were not worshipped, then even vessels of value are permitted (Ran, citing Jerusalem Talmud). Some say that any image that is known to be worshipped renders a vessel forbidden, even if it is a disgraceful vessel and even if it is unknown whether or not it was ever worshipped. The Rema rules that the custom is to follow the first, more lenient ruling (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:8; *Shulḥan Arukh*, *Yoreh De'a* 141:3).

One who slaughters for the sake of seas, etc. – הַשּׁוֹחֵט לְשׁוּם יַמִּים וכו׳: If one ritually slaughters an animal for the sake of mountains, hills, seas, rivers, the sun, moon, stars, or constellations, his slaughter is disqualified, but it is not prohibited to derive benefit from the meat unless his intention was for worship (*Shakh*). If one slaughters an animal for the sake of any spiritual force, from the angel Michael to the angel appointed over a mountain or even over a worm, this is considered offerings to the dead, i.e., idol worship, and it is prohibited to derive benefit from the animal (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 2:14; *Shulḥan Arukh*, *Yoreh De'a* 141:4–6).

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אֲמַר אַבַּיֵי: מִיפְּלַח – לְכָל דְּמַשְׁכְּחִי פָּלְחִי; מְיַצַּר וּמְפַלְחִי, הָנֵי תְּלָתָא דַּחֲשִׁיבִי – צָיְירִי לְהוּ וּפָלְחִי לְהוּ, לְמִידֵי אַחֲרִינָא – לְנוֹי בְּעָלְמָא עָבְדִי לְהוּ.

Abaye said in response to the contradiction: With regard to **worship,** people might **worship any** item **that they find.** With regard to **fashioning** figures **and** then **worshipping** them, only with regard to **these three** items listed in the mishna, **which are important,** do people **fashion** figures of **them and worship them. With regard to** figures of any **other entity,** people **make them merely for ornamental** purposes.

מַנְקִיט רַב שֵׁשֶׁת חוּמְרֵי מַתְנֵיתָא וְתָנֵי: כָּל הַמַּזָּלוֹת מוּתָּרִין – חוּץ מִמַּזָּל חַמָּה וּלְבָנָה, וְכָל הַפַּרְצוּפִין מוּתָּרִין – חוּץ מִפַּרְצוּף אָדָם, וְכָל הַצּוּרוֹת מוּתָּרוֹת – חוּץ מִצּוּרַת דָּרָקוֹן.

Rav Sheshet would consolidate the principles of the *baraitot* pertaining to this matter **and teach:** Figures of **all constellations are permitted, except for** the following **celestial objects: The sun and the moon. And** figures of **all faces are permitted, except for the human face. And all figures**[N] of other items **are permitted except for the figure of a dragon.**

אָמַר מָר: כָּל הַמַּזָּלוֹת מוּתָּרִין חוּץ מִמַּזָּל חַמָּה וּלְבָנָה. הָכָא בְּמַאי עָסְקִינַן? אִילֵימָא בְּעוֹשֶׂה; אִי בְּעוֹשֶׂה, כָּל הַמַּזָּלוֹת מִי שָׁרֵי? וְהָכְתִיב: ״לֹא תַעֲשׂוּן אִתִּי״, לֹא תַּעֲשׂוּן כְּדְמוּת שַׁמָּשַׁי הַמְשַׁמְּשִׁין לְפָנַי בַּמָּרוֹם!

The Master said: Figures of **all constellations are permitted, except for** the following **celestial objects: The sun and the moon.** The Gemara asks: **What are we dealing with here? If we say** that the reference is **to one who forms** these figures, i.e., **if** Rav Sheshet is discussing the issue **of** which figures it is permitted to **form, is** forming figures of **all the** other **constellations permitted? But isn't it written: "You shall not make with Me** gods of silver, or gods of gold, you shall not make for you" (Exodus 20:20)? This verse is interpreted to mean: **You shall not make figures of My attendants**[H] **who serve before Me on high,** i.e., those celestial bodies, including the constellations, that were created to serve God.

אֶלָּא פְּשִׁיטָא בְּמוֹצֵא, וּכְדְתָנֵן: הַמּוֹצֵא כֵּלִים וַעֲלֵיהֶם צוּרַת חַמָּה, צוּרַת לְבָנָה, צוּרַת דָּרָקוֹן – יוֹלִיכֵם לְיַם הַמֶּלַח.

Rather, it is **obvious** that this *halakha* is referring to a case **where** one **finds** vessels with these figures on them, **and** this is **as we learned** in the mishna: In the case of **one who finds vessels, and upon them is a figure of the sun, a figure of the moon,** or **a figure of a dragon, he must take them** and cast them **into the Dead Sea.** This indicates that it is permitted to derive benefit from any other vessels that were found and that had figures on them.

אִי בְּמוֹצֵא, אֵימָא מֵצִיעָתָא: כָּל הַפַּרְצוּפוֹת מוּתָּרִין חוּץ מִפַּרְצוּף אָדָם; אִי בְּמוֹצֵא, פַּרְצוּף אָדָם מִי אָסוּר? וְהָתְנַן: הַמּוֹצֵא כֵּלִים וַעֲלֵיהֶם צוּרַת חַמָּה, צוּרַת לְבָנָה, צוּרַת דָּרָקוֹן – יוֹלִיכֵם לְיַם הַמֶּלַח; צוּרַת דָּרָקוֹן אִין, פַּרְצוּף אָדָם לָא!

The Gemara asks: **If** it is a case **where** one **finds** vessels with these figures on them, **say the middle clause** of Rav Sheshet's statement: Figures of **all faces are permitted, except for the human face.** Now, **if** it is a case **where** one **finds** vessels with figures on them, **is** a vessel with the figure of **the human face forbidden? But didn't we learn** in the mishna: In the case of **one who finds vessels, and upon them is a figure of the sun, a figure of the moon,** or **a figure of a dragon, he must take them** and cast them **into the Dead Sea?** This indicates that a vessel with **the figure of a dragon is** forbidden, but a vessel with the figure of **a human face is not.**

אֶלָּא פְּשִׁיטָא בְּעוֹשֶׂה, וְכִדְרַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ;

Rather, the Gemara concludes, it is **obvious** that the statement that the figure of a human face is forbidden is referring to a case **where one forms** a figure, **and** this is prohibited, **in accordance with** the statement **of Rav Huna, son of Rav Yehoshua,** who states (43b) that the interpretation of the verse: "You shall not make with Me gods of silver, or gods of gold, you shall not make for you" (Exodus 20:20), is: Do not make of Me, i.e., do not form the figure of a person, who was created in the image of God.

אִי בְּעוֹשֶׂה, אֵימָא סֵיפָא: כָּל הַצּוּרוֹת מוּתָּרוֹת חוּץ מִצּוּרַת דָּרָקוֹן; וְאִי בְּעוֹשֶׂה, צוּרַת דָּרָקוֹן מִי אֲסִיר? וְהָכְתִיב: ״לֹא תַעֲשׂוּן אִתִּי אֱלֹהֵי כֶסֶף וֵאלֹהֵי זָהָב״,

The Gemara asks: **If** it is referring to a case **where one forms** a figure, **say the last clause** of Rav Sheshet's statement: **All figures are permitted except for the figure of a dragon. And if** it is referring to a case **where one forms** a figure, **is** forming **the figure of a dragon prohibited? But isn't it written: "You shall not make with Me gods of silver, or gods of gold"?**

NOTES

Constellations…faces…figures – מַזָּלוֹת…פַּרְצוּפִין…צוּרוֹת: The Meiri explains that constellations here refers to likenesses of various entities found in heaven, e.g., stars, angels, and the like. Faces are likenesses of the head of a person, or likenesses of an animal whose head is above the rest of its body. Figures are likenesses of an animal whose head is not above its body, e.g., fish and snakes. The Ra'avad seems to indicate that the term faces refers to any creature with a face, while the term figures refers to other depictions.

HALAKHA

Figures of My attendants, etc. – כְּדְמוּת שַׁמָּשַׁי וכו': It is prohibited to make a likeness of the sun, moon, stars, any heavenly constellations, or angels (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:11; *Shulḥan Arukh*, *Yoreh De'a* 141:4).

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הָנֵי – אִין, צוּרַת דְּרָקוֹן – לָא!

The Sages interpret this verse as referring to the heavenly constellations, which indicates that it **is** prohibited to form only **these** figures, but it is **not** prohibited to form **a figure of a dragon.**[H]

אֶלָּא פְּשִׁיטָא בְּמוֹצֵא, וּכְדְתָנֵן: הַמּוֹצֵא כֵּלִים וַעֲלֵיהֶם צוּרַת חַמָּה;

Rather, the Gemara concludes, it is **obvious** that this *halakha* is referring to a case **where** one **finds** a vessel with the figure of a dragon, **and** this is **as we learned** in the mishna: In the case of **one who finds vessels, and upon them is a figure of the sun,** a figure of the moon, or a figure of a dragon, he must take them and cast them into the Dead Sea.

רֵישָׁא וְסֵיפָא בְּמוֹצֵא, וּמְצִיעָתָא בְּעוֹשֶׂה?

The Gemara asks about the lack of consistency between the clauses of Rav Sheshet's statement: Can it be that **the first clause and the last clause are** referring to a case **where one finds** vessels with the specified figures, **and the middle clause is** referring to a case **where one forms** these figures?

אָמַר אַבַּיֵי: אִין, רֵישָׁא וְסֵיפָא בְּמוֹצֵא, וּמְצִיעָתָא בְּעוֹשֶׂה.

Abaye said: Indeed, the first clause and the last clause are referring to cases **where one finds** vessels with figures, **and the middle clause is** referring to a case **where one forms** figures.

רָבָא אָמַר: כּוּלָּהּ בְּמוֹצֵא, וּמְצִיעָתָא רַבִּי יְהוּדָה הִיא; דְּתַנְיָא, רַבִּי יְהוּדָה מוֹסִיף: אַף דְּמוּת מְנִיקָה וְסָר אַפִּיס, מְנִיקָה – עַל שֵׁם חַוָּה שֶׁמְּנִיקָה כָּל הָעוֹלָם כּוּלּוֹ, סָר אַפִּיס – עַל שֵׁם יוֹסֵף שֶׁסָּר וּמֵפִיס אֶת כָּל הָעוֹלָם כּוּלּוֹ; וְהוּא דְּנָקֵיט גְּרִיוָא וְקָא כַּיֵּיל, וְהִיא דְּנָקְטָא בֵּן וְקָא מֵנִיקָה.

Rava said: The entire statement of Rav Sheshet is referring to a case **where one finds** vessels with these figures, **and the middle clause is** in accordance with the opinion of **Rabbi Yehuda. As it is taught** in a *baraita* that **Rabbi Yehuda adds** to the list of forbidden figures **even a figure of a nursing woman**[B] **and *Sar Apis.***[L] The figure of **a nursing woman** is worshipped as it **symbolizes Eve,**[N] **who nurses the entire world.** The figure of ***Sar Apis*** is worshipped as it **symbolizes Joseph, who ruled over** [***sar***] **and appeased** [***mefis***] **the entire world** by distributing food during the seven years of famine (see Genesis, chapter 41). **But** the figure of *Sar Apis* is forbidden **only when it is holding a dry measure and measuring** with it; **and** the figure of a nursing woman is forbidden **only when she is holding a child and nursing** it.

תָּנוּ רַבָּנַן: אֵיזֶהוּ צוּרַת דְּרָקוֹן? פֵּירֵשׁ רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר: כָּל שֶׁיֵּשׁ לוֹ יְצִיצִין בֵּין פְּרָקָיו. מַחֲוֵי רַבִּי אַסִי בֵּין פִּרְקֵי צַוָּאר. אָמַר רַבִּי חָמָא בְּרַבִּי חֲנִינָא: הֲלָכָה כְּרַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר.

§ **The Sages taught: What is a figure of a dragon?**[H] **Rabbi Shimon ben Elazar explained:** It is **any** figure **that has scales between its joints.**[B] **Rabbi Asi motioned** with his hands to depict scales **between the joints of the neck. Rabbi Ḥama, son of Rabbi Ḥanina, says:** The ***halakha*** is **in accordance with** the opinion of **Rabbi Shimon ben Elazar.**[N]

HALAKHA

Not a figure of a dragon – צוּרַת דְּרָקוֹן לָא: It is permitted to form the figure of a dragon because it is not a heavenly image. It is prohibited to bow down opposite it because it raises suspicion that one is bowing to an idol (*Shulḥan Arukh*, *Yoreh De'a* 141:4, and in the comment of Rema, and *Taz* there).

What is a figure of a dragon – אֵיזֶהוּ צוּרַת דְּרָקוֹן: A dragon is similar to a snake with scales in between the joints of its neck. This is in accordance with Rabbi Asi's explanation of Rabbi Shimon ben Elazar's description (*Shulḥan Arukh*, *Yoreh De'a* 141:3).

LANGUAGE

***Sar Apis* – סָר אַפִּיס:** This is the name of the god Serapis, Σάραπις, whose worship originated in ancient Egypt and Greece and spread throughout the Roman Empire, including Eretz Yisrael.

Bust of Serapis crowned with a modius, a grain measure

NOTES

Symbolizes Eve, etc. – עַל שֵׁם חַוָּה וכו': It seems that these images were originally made to memorialize these figures and later they became objects of idol worship.

The *halakha* is in accordance with Rabbi Shimon ben Elazar – הֲלָכָה כְּרַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר: Although no opposing opinion is presented here, the Gemara establishes firmly that the *halakha* is in accordance with his opinion, as it is possible that a conflicting opinion will be found (*Tosafot*, citing Rashbam).

BACKGROUND

Figure of a nursing woman – דְּמוּת מְנִיקָה: There were many figures of nursing women that were used in idol worship in talmudic times. Many believe that these represent the Egyptian deity Isis. Worship of this deity spread throughout the Roman Empire. In many statues and drawings she is nursing a child. Others explain that the figure of the nursing woman is connected to a Greek myth in which the god Dionysus was nursed by rain nymphs at Mount Nysa. Worship of Dionysus was widespread among the gentiles living in Eretz Yisrael during the talmudic era.

Scales between its joints – יְצִיצִין בֵּין פְּרָקָיו: In ancient drawings of dragons, which come from all over the world some portraying dragons with wings and some without, the dragon is differentiated from a snake both by means of its portrayal as being unusually large, and by the scales all over its body, or at least covering its neck area.

Hellenistic image of a dragon with a beard-like protrusion

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אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: פַּעַם אַחַת הָיִיתִי מְהַלֵּךְ אַחַר רַבִּי אֶלְעָזָר הַקַּפָּר בְּרִיבִּי בַּדֶּרֶךְ, וּמָצָא שָׁם טַבַּעַת וְעָלֶיהָ צוּרַת דְּרָקוֹן, וּמָצָא גּוֹי קָטָן וְלֹא אָמַר לוֹ כְּלוּם, מָצָא גּוֹי גָּדוֹל וְאָמַר לוֹ: בַּטֵּלָהּ, וְלֹא בִּטְּלָהּ, סְטָרוֹ וּבִטְּלָהּ.

Rabba bar bar Ḥana says that **Rabbi Yehoshua ben Levi says: Once, I was following Rabbi Elazar HaKappar the Distinguished on the road, and he found a ring there, and there was a figure of a dragon on it. And he** then **encountered a minor gentile boy, but did not say anything to him. He** then **encountered an adult gentile, and said to him: Revoke** the ring's idolatrous status. **But** the gentile **did not revoke it.** Rabbi Elazar HaKappar then **slapped him** across his face, whereupon the gentile succumbed **and revoked** its idolatrous status.

שְׁמַע מִינָּהּ תְּלָת: שְׁמַע מִינָּהּ, גּוֹי מְבַטֵּל עֲבוֹדָה זָרָה שֶׁלּוֹ וְשֶׁל חֲבֵירוֹ; וּשְׁמַע מִינָּהּ, יוֹדֵעַ בְּטִיב שֶׁל עֲבוֹדָה זָרָה וּמְשַׁמְּשָׁיהָ מְבַטֵּל, וְשֶׁאֵינוֹ יוֹדֵעַ בְּטִיב עֲבוֹדָה זָרָה וּמְשַׁמְּשָׁיהָ אֵינוֹ מְבַטֵּל; וּשְׁמַע מִינָּהּ, גּוֹי מְבַטֵּל בְּעַל כָּרְחוֹ.

The Gemara comments: **Learn from** this incident the following **three** *halakhot*: **Learn from it** that **a gentile can revoke** the idolatrous status of both **his** object of **idol worship**[H] **and that of another** gentile. **And learn from** the fact that Rabbi Elazar HaKappar waited to find an adult gentile, that only one who **is aware of the nature of idol worship and its accessories can revoke** the idol's status, **but** one **who is not aware of the nature of idol worship and its accessories,** such as a minor, **cannot revoke** the idol's status. **And** finally, **learn from it** that **a gentile can revoke** the status of an idol even **against his will.**

מְגַדֵּף בָּהּ רַבִּי חֲנִינָא, וְלֵית לֵיהּ לְרַבִּי אֶלְעָזָר הַקַּפָּר בְּרִיבִּי הָא דְּתָנֵן: הַמַּצִּיל מִן הָאֲרִי וּמִן הַדּוֹב וּמִן הַנָּמֵר, וּמִן הַגַּיִיס, וּמִן הַנַּהַר, וּמִזּוּטוֹ שֶׁל יָם, וּמִשְׁלוּלִיתוֹ שֶׁל נָהָר, וְהַמּוֹצֵא בִּסְרַטְיָא וּפְלָטְיָא גְּדוֹלָה, וּבְכָל מָקוֹם שֶׁהָרַבִּים מְצוּיִין שָׁם – הֲרֵי אֵלּוּ שֶׁלּוֹ, מִפְּנֵי שֶׁהַבְּעָלִים מִתְיָיאְשִׁין מֵהֶן?

Rabbi Ḥanina ridiculed this ruling and asked: **But** why was it necessary to have a gentile actively revoke the idolatrous status of the ring? **Doesn't Rabbi Elazar HaKappar the Distinguished maintain** in accordance with **that which we learned** in a *baraita*: In the case of **one who saves** an object **from a lion, or from a bear, or from a cheetah, or from a troop** of soldiers, **or from a river,**[H] **or from the tide of the sea, or from the flooding of a river, or** similarly **one who finds** an object **in a main thoroughfare**[H] **or** in **a large plaza, or** for that matter, **anywhere frequented by the public,** in all these cases, the objects belong **to him, because the owners despair of** recovering **them?** Therefore, in the case of a lost ring with an idolatrous figure on it, its idolatrous status is automatically revoked, as its owner despairs of recovering it.

אָמַר אַבַּיֵי: נְהִי דְּמִינָּהּ מְיַיאֵשׁ, מֵאִיסּוּרָא מִי מְיַיאֵשׁ? מֵימַר אָמַר: אִי גּוֹי מַשְׁכַּח לָהּ – מִפְּלַח פָּלַח לָהּ, אִי יִשְׂרָאֵל מַשְׁכַּח לָהּ – אַיְיתֵי דְּדָמְיָה יְקָרִין מְזַבֵּין לָהּ לְגּוֹי וּפָלַח לָהּ.

Abaye said: Granted, the owner **despairs of** recovering the object **itself, but does he despair of** its **forbidden** [***me'issura***] idolatrous status?[N] The owner does not assume that the object will never be worshipped again; rather, **he says** to himself: **If a gentile finds it, he will worship it. If a Jew finds it, since it is valuable, he will sell it to a gentile who will** then **worship it.** Therefore, Rabbi Elazar HaKappar had to have the ring's idolatrous status revoked.

תָּנֵן תָּתָם: דְּמוּת צוּרוֹת לְבָנוֹת הָיָה לוֹ לְרַבָּן גַּמְלִיאֵל בַּעֲלִייָתוֹ בְּטַבְלָא בְּכוֹתֶל, שֶׁבָּהֶן מַרְאֶה אֶת הַהֶדְיוֹטוֹת וְאוֹמֵר לָהֶן: כָּזֶה רְאִיתֶם אוֹ כָּזֶה רְאִיתֶם?

§ **We learned** in a mishna **there** (*Rosh HaShana* 24a): **Rabban Gamliel had** diagrams of the different **figures of moons**[B] drawn **on a tablet** that hung **on the wall of his attic, which he would show to the ordinary** people [***hahedyotot***][L] who came to testify about sighting the new moon but who were unable to adequately describe what they had seen. **And he would say to them: Did you see** an image **like this, or did you see** an image **like that?**

HALAKHA

A gentile can revoke…idol worship – גּוֹי מְבַטֵּל עֲבוֹדָה זָרָה: A gentile can revoke the idolatrous status of an object of idol worship even if it is not his own and even if he does not worship that particular object. This revocation of idolatrous status takes effect even if the gentile is forced to do it against his will. This revocation is effective only if he is familiar with the nature of the object of idol worship. This excludes a minor, one who is mentally incompetent, and a gentile who does not practice idol worship, such as a Muslim (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 146:5, and in the comment of Rema).

One who saves an object…from a river, etc. – הַמַּצִּיל...וּמִן הַנָּהָר וכו': When one saves an object from being washed away by a river or a tide, the Rambam rules that he may keep it as long as it is clear that its owner has despaired of recovering it. If this is unclear, he is obligated to return it. The *Shulḥan Arukh* rules that he may keep it under any circumstances, even if the owner actively protests and claims that he did not despair. The Rema adds that nevertheless it is right and just to return it (Rambam *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 6:2; *Shulḥan Arukh*, *Ḥoshen Mishpat* 259:7).

One who finds in a main thoroughfare, etc. – הַמּוֹצֵא בִּסְרַטְיָא: If one finds a lost object in a main street or a large public square or any place frequented by gentiles, if the majority of passersby are gentiles, he may keep it even if a Jew claims it and identifies it by providing its distinguishing marks. It is assumed that the Jewish owner despaired of recovering it as soon as it fell (Rambam *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 11:7; *Shulḥan Arukh*, *Ḥoshen Mishpat* 259:3).

NOTES

Does he despair of its forbidden status [*me'issura*] – מֵאִיסּוּרָא מִי מְיַיאֵשׁ: Though he is no longer the owner due to his despair of recovering the ring, he does not revoke its idolatrous status. Some suggest that the correct version of the text is: *Me'issareih*, meaning: Its spirit, a term used earlier (41b). In other words, his belief in the power of the deity whose image is imprinted on the ring does not change despite the fact that the ring has left his possession (*Ḥeshek Shlomo*).

LANGUAGE

Ordinary [*hedyot*] – הֶדְיוֹט: From the Greek ἰδιώτης, *idiotēs*, meaning a simple citizen with no official office, or a person with no marketable skill, and, by extension, an uncultivated ignoramus. Such meanings are indeed found in the words of the Sages, but they usually use this term to distinguish between one who holds a special office and an ordinary person. For instance, there is the *Kohen Gadol*, the High Priest, and there is a *kohen hedyot*, an ordinary priest.

BACKGROUND

Figures of moons – צוּרוֹת לְבָנוֹת: When witnesses would approach the court to testify about having seen the new moon, the court would examine them concerning their testimony. They would ask about the size and shape of the moon, as well as its location in the sky when sighted. This examination was essential because the moon at the end of one month has a similar shape to the moon at the beginning of the next month, a very narrow sickle. The difference between them is the direction in which the moon is facing. Therefore, the court would have to ascertain whether the witnesses sighted the moon at the end of one month or the start of the next. In addition, at times witnesses may have seen a sliver of a cloud and thought that they saw the moon. If the witnesses lacked the ability to express themselves with precision, they would not have been able to describe what they saw effectively. Therefore, the courts would fashion different figures of the moon so that the witnesses could point to one similar to what they saw.

Witnesses testifying with regard to the new moon

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וּמִי שָׁרֵי? וְהָכְתִיב: ״לֹא תַעֲשׂוּן אִתִּי״, לֹא תַּעֲשׂוּן כְּדִמּוּת שַׁמָּשַׁי הַמְשַׁמְּשִׁים לְפָנַי!

The Gemara asks: **And is** it **permitted** to form these figures? **But isn't it written:** "**You shall not make with Me** gods of silver, or gods of gold" (Exodus 20:20), which is interpreted to mean: **You shall not make figures of My attendants who serve before Me,** i.e., those celestial bodies that were created to serve God, including the sun and the moon.

אֲמַר אַבָּיֵי: לֹא אָסְרָה תּוֹרָה אֶלָּא שַׁמָּשִׁין שֶׁאֶפְשָׁר לַעֲשׂוֹת כְּמוֹתָן,

In answering, **Abaye said: The Torah prohibited only** the figures of those **attendants that** one can **possibly reproduce** something that is truly **in their likeness.** Since it is impossible to reproduce the sun and the moon, the prohibition does not apply to these entities.

כְּדְתַנְיָא: לֹא יַעֲשֶׂה אָדָם בַּיִת תַּבְנִית הֵיכָל, אַכְסַדְרָה תַּבְנִית אוּלָם, חָצֵר תַּבְנִית עֲזָרָה, שׁוּלְחָן תַּבְנִית שׁוּלְחָן, מְנוֹרָה תַּבְנִית מְנוֹרָה, אֲבָל הוּא עוֹשֶׂה שֶׁל חָמֵשׁ וְשֶׁל שֵׁשׁ וְשֶׁל שִׁמּוֹנָה; וְשֶׁל שֶׁבַע לֹא יַעֲשֶׂה אֲפִילּוּ שֶׁל שְׂאָר מִינֵי מַתָּכוֹת.

As it is taught in a *baraita*: **A person may not construct a house** in the exact **image of the Sanctuary,**[H] nor **a portico** in the exact **image of the Entrance Hall** of the Sanctuary, nor **a courtyard corresponding to the Temple courtyard,** nor **a table corresponding to the Table** in the Temple, nor **a candelabrum corresponding to the Candelabrum** in the Temple. **But** one **may fashion** a candelabrum **of five or of six or of eight** lamps. **And** one **may not fashion** a candelabrum **of seven** lamps **even** if he constructs it **from other kinds of metal** rather than gold, as in extenuating circumstances the Candelabrum in the Temple may be fashioned from other metals.

רַבִּי יוֹסֵי בַּר יְהוּדָה אוֹמֵר: אַף שֶׁל עֵץ לֹא יַעֲשֶׂה, כְּדֶרֶךְ שֶׁעָשׂוּ בֵּית חַשְׁמוֹנַאי.

The *baraita* continues: **Rabbi Yosei bar Yehuda says: One may not fashion a candelabrum of wood either, in the manner that** the kings of **the Hasmonean monarchy fashioned** it. When they first purified the Temple they had to fashion the Candelabrum out of wood as no other material was available. Since a wooden candelabrum is fit for the Temple, it is prohibited to fashion one of this kind for oneself.

אָמְרוּ לוֹ: מִשָּׁם רְאָיָה? שַׁפּוּדִין שֶׁל בַּרְזֶל הָיוּ וְחוֹפִין בְּבַעַץ, הֶעֱשִׁירוּ – עֲשָׂאוּם שֶׁל כֶּסֶף, חָזְרוּ וְהֶעֱשִׁירוּ – עֲשָׂאוּם שֶׁל זָהָב.

The Rabbis **said to** Rabbi Yosei bar Yehuda: Do you seek to cite **a proof from there,** i.e., from the Hasmonean era, that a candelabrum fashioned of wood is fit for the Temple? During that era the branches of the Candelabrum **were** fashioned from **spits** [***shappudin***][L] **of iron, and they covered** them **with tin** [***beva'atz***].[LN] Later, when **they grew richer** and could afford a Candelabrum of higher-quality material, **they fashioned** the Candelabrum **from silver.** When **they grew even richer, they fashioned** the Candelabrum **from gold.** In any event, Abaye proves from this *baraita* that the prohibition against forming a figure applies only to items that can be reconstructed in an accurate manner. Since this is not possible in the case of the moon, Rabban Gamliel's figures were permitted.

וְשַׁמָּשִׁין שֶׁאִי אֶפְשָׁר לַעֲשׂוֹת כְּמוֹתָן מִי שָׁרֵי? וְהָתַנְיָא: ״לֹא תַעֲשׂוּן אִתִּי״ – לֹא תַּעֲשׂוּן כְּדִמּוּת שַׁמָּשַׁי הַמְשַׁמְּשִׁים לְפָנַי בַּמָּרוֹם!

The Gemara asks: **And is it** actually **permitted** to fashion figures of those **attendants** of God concerning **which it is impossible to reproduce their likeness? But isn't it taught** in a *baraita* that the verse: "**You shall not make with Me** gods of silver" (Exodus 20:20), is interpreted to mean: **You shall not make figures of My attendants who serve before Me on high?** Apparently, this includes the sun and the moon.

אֲמַר אַבָּיֵי:

Abaye said:

Perek **III**
Daf **43** Amud **b**

לֹא אָסְרָה תּוֹרָה אֶלָּא בִּדְמוּת אַרְבָּעָה פָּנִים בַּהֲדֵי הֲדָדֵי.

This does not include the sun and the moon, as **the Torah prohibits** the fashioning **only** of **a figure of** all **four faces**[H] of the creatures of the Divine Chariot **together** (see Ezekiel 1:10). All other figures, which are not in the likeness of the ministering angels, are permitted.

HALAKHA

May not construct a house in the image of the Sanctuary, etc. – לֹא יַעֲשֶׂה...בַּיִת תַּבְנִית הֵיכָל וכו׳: One may not construct a house in the image of the Sanctuary, i.e., with its exact length, width, and height. Nor may one build a portico just like the Entrance Hall of the Temple, nor a courtyard like the courtyard of the Temple, nor a table in the shape of the Table in the Temple, nor a candelabrum in the image of the Candelabrum that was there. This prohibition applies to any candelabrum of seven lamps, even if it does not have cups and flowers and is not fashioned with the same measurements as the Candelabrum of the Temple. It is permitted to fashion any candelabrum from wood (Rambam *Sefer Avoda*, *Hilkhot Beit HaBeḥira* 7:10; *Shulḥan Arukh*, *Yoreh De'a* 141:8 and *Shakh* there).

LANGUAGE

Spit [*shappud*] – שַׁפּוּד: Apparently from the Greek σποδός, *spodos*, meaning ashes, this is an iron spit used for roasting.

Tin [*ba'atz*] – בַּעַץ: *Ba'atz* is Aramaic for tin. Some explain that it refers to a mix of tin and lead that is still used today for coating.

NOTES

And they covered them with tin – וְחוֹפִין בְּבַעַץ: Some explain that they were covered with tin for aesthetic purposes (*Torat Ḥayyim*). Other explain that they did not want to leave exposed iron in the Temple as the Torah (see Exodus 20:22) expresses disapproval of using that material in the Tabernacle (*Seder Ya'akov*). They did not fashion the entire Candelabrum of tin because it would not have been able to support its own weight (Rid).

HALAKHA

Figure of four faces – דְּמוּת אַרְבָּעָה פָּנִים: It is prohibited to fashion images of the creatures of the upper heaven, such as the four faces of the Divine Chariot, or the angels. This is prohibited even if one's intention is strictly for ornamentation and not worship. Only protruding images are forbidden. Sunken or flat images, such as those woven into a garment or painted on a wall, are permitted. Some prohibit even sunken images (*Shulḥan Arukh*, *Yoreh De'a* 141:4 and *Taz* there).

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אֶלָּא מֵעַתָּה, פַּרְצוּף אָדָם לְחוּדֵיהּ תִּשְׁתְּרֵי, אַלְמָה תַּנְיָא: כָּל הַפַּרְצוּפוֹת מוּתָּרִין, חוּץ מִפַּרְצוּף אָדָם?

The Gemara raises a difficulty: **If that is so, let** the fashioning of a figure of **a human face alone be permitted. Why** then **is it taught** in a *baraita*: Figures of **all faces**[H] **are permitted, except for the human face?**

אֲמַר רַב יְהוּדָה בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ, מִפִּרְקֵיהּ דְּרַבִּי יְהוֹשֻׁעַ שְׁמִיעַ לִי: ״לֹא תַּעֲשׂוּן אִתִּי״ – לֹא תַּעֲשׂוּן אוֹתִי, אֲבָל שְׁאָר שַׁמָּשִׁין שָׁרֵי.

Rav Yehuda, son of Rav Yehoshua, said: I heard in a lecture of Rabbi Yehoshua that there is a different reason why one may not fashion a figure of a human face; the verse states: **"You shall not make with Me** [*iti*]" (Exodus 20:20). This can be read as: **You shall not make Me** [*oti*].[N] Since the human being was created in the image of God (see Genesis 1:27), it is prohibited to fashion an image of a human being. **But** fashioning figures of **other attendants** of God is **permitted.**

וּשְׁאָר שַׁמָּשִׁין מִי שָׁרֵי? וְהָתַנְיָא: ״לֹא תַּעֲשׂוּן אִתִּי״ – לֹא תַּעֲשׂוּן כְּדְמוּת שַׁמָּשַׁי הַמְשַׁמְּשִׁין לְפָנַי בַּמָּרוֹם, כְּגוֹן אוֹפַנִּים וּשְׂרָפִים וְחַיּוֹת הַקֹּדֶשׁ וּמַלְאֲכֵי הַשָּׁרֵת!

The Gemara asks: **And is it permitted** to fashion figures of **other attendants** of God? **But isn't it taught** in another *baraita* that the verse: "**You shall not make with Me** gods of silver" (Exodus 20:20), is interpreted to mean that **you shall not make figures of My attendants who serve before Me on high, for example, *ofanim*, and seraphim, and the sacred *ḥayyot*, and the ministering angels?**

אֲמַר אַבָּיֵי: לֹא אָסְרָה תּוֹרָה אֶלָּא שַׁמָּשִׁין שֶׁבַּמָּדוֹר הָעֶלְיוֹן.

Abaye said: The Torah prohibits fashioning figures of **only** those **attendants that are in the upper heaven,** i.e., the supreme angels in the highest firmament, but it does not prohibit fashioning the celestial bodies, e.g., the sun and the moon, despite the fact that they too are located in heaven.

וְשֶׁבַּמָּדוֹר הַתַּחְתּוֹן מִי שָׁרֵי? וְהָתַנְיָא: ״אֲשֶׁר בַּשָּׁמַיִם״ – לְרַבּוֹת חַמָּה וּלְבָנָה כּוֹכָבִים וּמַזָּלוֹת, ״מִמַּעַל״ – לְרַבּוֹת מַלְאֲכֵי הַשָּׁרֵת!

The Gemara asks: **And is it permitted** to fashion figures of those bodies **that are in the lower heaven? But isn't it taught** in a *baraita* with regard to the verse: "You shall not make for yourself any graven image, nor any manner of likeness, of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth" (Exodus 20:4): The phrase "**that is in heaven**" serves **to include** the **sun, and** the **moon,** the **stars, and** the **constellations.** The term "**above**" serves **to include the ministering angels.** Apparently, it is prohibited to fashion a figure even of the celestial bodies that are in the lower heaven.

כִּי תַּנְיָא הַהִיא, לְעוֹבְדָם.

The Gemara answers: **When that** *baraita* **is taught,** it is in reference **to** the prohibition against **worshipping them.** There is no prohibition against forming a figure in their likeness.

אִי לְעוֹבְדָם, אֲפִילּוּ שִׁילְשׁוּל קָטָן נַמִּי! אֵין הָכִי נַמִּי, וּמִס�ֵּיפֵיהּ דִּקְרָא נָפְקָא, דְּתַנְיָא: ״אֲשֶׁר בָּאָרֶץ״ – לְרַבּוֹת יַמִּים וּנְהָרוֹת הָרִים וּגְבָעוֹת, ״מִתָּחַת״ – לְרַבּוֹת שִׁילְשׁוּל קָטָן.

The Gemara asks: **If** that *baraita* is referring **to** the prohibition against **worshipping them,** then why does it mention only celestial bodies? It is prohibited to worship **even a tiny worm.** The Gemara answers: **Yes, it is indeed so; and** this prohibition **is derived from the latter clause of that verse, as it is taught** in a *baraita*: "**That is in the earth**" serves **to include seas, and rivers, mountains, and hills.** The word "**beneath**" serves **to include a tiny worm.**[H]

וַעֲשִׂיָּיה גֵּרִידְתָּא מִי שָׁרֵי? וְהָתַנְיָא: ״לֹא תַּעֲשׂוּן אִתִּי״ – לֹא תַּעֲשׂוּן כְּדְמוּת שַׁמָּשַׁי הַמְשַׁמְּשִׁין לְפָנַי בַּמָּרוֹם, כְּגוֹן חַמָּה וּלְבָנָה, כּוֹכָבִים וּמַזָּלוֹת!

The Gemara asks: **And is the mere fashioning** of figures of the celestial bodies **permitted? But isn't it taught** in another *baraita* that the verse: "**You shall not make with Me** gods of silver" (Exodus 20:20), is interpreted to mean that **you shall not make figures of My attendants who serve before Me on high, for example:** The **sun, and** the **moon,** the **stars, and** the **constellations.** This is proof that it is prohibited to fashion figures of the sun and the moon. Consequently, the solution proposed by Abaye is rejected, leaving the difficulty of Rabban Gamliel's diagram unresolved.

שָׁאנֵי רַבָּן גַּמְלִיאֵל, דַּאֲחֵרִים עָשׂוּ לוֹ.

The Gemara proposes an alternative resolution: The case of **Rabban Gamliel is different, as others,** i.e., gentiles, **fashioned** those figures **for him,** and it is prohibited for a Jew only to fashion such figures; there is no prohibition against having them in one's possession.

וְהָא רַב יְהוּדָה דַּאֲחֵרִים עָשׂוּ לוֹ, וַאֲמַר לֵיהּ שְׁמוּאֵל לְרַב יְהוּדָה: שִׁינְּנָא, סְמֵי עֵינֵיהּ דְּדִין!

The Gemara asks: **But** there is the case of **Rav Yehuda, where others fashioned for him** a seal with a figure of a person on it, **and Shmuel said to Rav Yehuda,** who was his student: **Sharp-witted one** [***shinnana***],[B] **destroy this one's eyes,**[N] i.e., disfigure it, as it is prohibited even to have a figure of a human being in one's possession.

HALAKHA

Faces – פַּרְצוּפוֹת: One may fashion images of animals, birds, and fish, as well as trees and grass, whether in the figure of a picture or a protruding image. It is prohibited to fashion only a protruding image of a person. Some say that this prohibition applies only to a complete image, whereas an incomplete image, e.g., one with missing limbs or a head without a body, is permitted. The Rema writes that the custom is in accordance with this latter opinion. Later commentaries advise following the stringent opinion not to fashion a complete head. In all cases, if the face is incomplete or partially disfigured, there is no prohibition (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:10; *Shulḥan Arukh*, *Yoreh De'a* 141:6).

Tiny worm – שִׁילְשׁוּל קָטָן: It is prohibited to worship any of God's creations, be it an angel, constellation, star, natural element, or anything created thereof (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 2:1).

NOTES

You shall not make Me – לֹא תַּעֲשׂוּן אוֹתִי: Ritva explains that since the verse (Genesis 1:27) describes man as having been formed in the likeness of the Lord, it is prohibited to fashion anything in the likeness of a human. A completely different interpretation is found in the *Nimmukei Yosef*. He explains that the term: Me, in this interpretation of the verse is an allusion to Moses, who spoke these words to the Jewish people.

Destroy this one's eyes – סְמֵי עֵינֵיהּ דְּדִין: Some explain that Rav Yehuda's seal had the figure of a person on it, and that specifically with regard to a form like this, Shmuel says that destroying its eye renders it permitted. The Meiri explains that this *halakha* can be applied to any form, i.e., that the partial destruction of any form renders it permitted.

BACKGROUND

***Shinnana* – שִׁינְּנָא:** According to Rashi and others, *shinnana* means sharp or witty. Shmuel used this term to show the degree to which he respected his most prominent student, Rav Yehuda. The *ge'onim* explain that according to oral tradition, *shinnana* means large-toothed, and it was a nickname given to Rav Yehuda due to his appearance.

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הָתָם בְּחוֹתָמוֹ בּוֹלֵט, וּמְשׁוּם חֲשָׁדָא; דְּתַנְיָא: טַבַּעַת שֶׁחוֹתָמָהּ בּוֹלֵט – אָסוּר לְהַנִּיחָהּ וּמוּתָּר לַחֲתוֹם בָּהּ, חוֹתָמָהּ שׁוֹקֵעַ – מוּתָּר לְהַנִּיחָהּ וְאָסוּר לַחֲתוֹם בָּהּ.

The Gemara answers: **There, in** the case of Rav Yehuda, **his was a protruding seal,** i.e., the figure projected from the ring, **and** Shmuel prohibited it **due to** the potential **suspicion** that he had an object of idol worship in his possession. **As it is taught** in a *baraita*: In the case of **a ring whose seal protrudes,**[H] it is **prohibited to place it**[N] on one's finger due to suspicion of idol worship, **but** it is **permitted to seal** objects **with it.** In this case, the act of sealing forms a figure that is sunken below the surface of the object upon which the seal was impressed, which is not prohibited. If **its seal is sunken,**[B] it is **permitted to place it** on one's finger, **but** it is **prohibited to seal** objects **with it,** as that forms a protruding figure.

וּמִי חָיְישִׁינַן לַחֲשָׁדָא? וְהָא בֵּי כְּנִישְׁתָּא דְּשַׁף וְיָתֵיב בִּנְהַרְדְּעָא, דְּאוֹקְמֵי בֵּיהּ אַגַּדְרְטָא, וְהָווּ עָיְילִי בֵּיהּ אֲבוּהּ דִּשְׁמוּאֵל וְלֵוִי וּמְצַלּוּ בְּגַוֵּיהּ, וְלָא חָיְישִׁי לַחֲשָׁדָא! רַבִּים שָׁאנֵי.

The Gemara asks: **And are we concerned about** arousing **suspicion** due to the use of a human figure? **But** what about that **synagogue that had been destroyed** in Eretz Yisrael **and was reestablished**[B] **in Neharde'a,** and **they erected a statue** of the king **in it? And** nevertheless, **Shmuel's father and Levi**[P] **would enter and pray in it, and they were not concerned about** arousing **suspicion.** The Gemara answers: **A public** institution **is different;** the public is not suspected of having idolatrous intentions. Rather, it is assumed that the statue is there exclusively for ornamental purposes.

וְהָא רַבָּן גַּמְלִיאֵל דְּיָחִיד הֲוָה! כֵּיוָן דְּנָשִׂיא הוּא, שְׁכִיחִי רַבִּים גַּבֵּיהּ. וְאִיבָּעֵית אֵימָא: דִּפְרָקִים הֲוַאי.

The Gemara asks: **But wasn't Rabban Gamliel an individual?** According to this reasoning, his figures of the moon should have been forbidden as they would have aroused suspicion. The Gemara answers: **Since he was the *Nasi,*** the head of the Sanhedrin, members of **the public** would often **be found with him,** and therefore there was no room for suspicion. **And if you wish, say** there is an alternative answer, namely, **that** these figures were not whole; rather, they **were** formed from **pieces**[N] of figures that had to be assembled. Only complete figures are forbidden.

וְאִיבָּעֵית אֵימָא: לְהִתְלַמֵּד שָׁאנֵי, דְּתַנְיָא: ״לֹא תִלְמַד לַעֲשׂוֹת״, אֲבָל אַתָּה לָמֵד לְהָבִין וּלְהוֹרוֹת.

And if you wish, say there is yet another answer: Fashioning figures in order **to teach oneself is different,**[H] **as it is taught** in a *baraita* with regard to the verse: "**You shall not learn to do** like the abominations of those nations" (Deuteronomy 18:9): **But you may learn** in order **to understand** the matter yourself **and teach** it to others. In other words, it is permitted to perform certain acts for the sake of Torah study that would otherwise be prohibited.

NOTES

Prohibited to place it – אָסוּר לְהַנִּיחָהּ: Most commentaries explain this to mean that it is prohibited to possess it. By contrast, Rabbeinu Ḥananel and others explain that it is prohibited to wear it on one's finger or any other visible limb due to suspicion (see Ra'ah).

Were formed from pieces – דִּפְרָקִים הֲוַאי: Rashi explains that they did not arouse suspicion because the pieces were assembled into complete images only when they were needed, and the figures were otherwise dismantled (Rashi). Ra'avad explains that there was no room for suspicion because if the forms had been made for worship they would not have been constructed out of separate pieces.

BACKGROUND

Seal protrudes…seal is sunken – חוֹתָמָהּ בּוֹלֵט…חוֹתָמָהּ שׁוֹקֵעַ:

Engraved seal with raised image

Embossed seal with a sunken image

Destroyed and was reestablished [*shaf veyateiv*] – שָׁף וְיָתֵיב: This synagogue was famous in Babylonia, as the Sages said that the presence of God resided there. There is an aggadic tradition that it was referred to in this manner because they built it from stones of the ruins of the First Temple; it had fallen [*shaf*] and subsequently sat [*yateiv*], i.e., the stones were used to rebuild.

Another explanation is that this is referring to God's presence, which left [*shaf*] the Temple and then sat [*yateiv*], or resided, in this synagogue (see *Arukh* and *Ge'onim*).

HALAKHA

Ring whose seal protrudes – טַבַּעַת שֶׁחוֹתָמָהּ בּוֹלֵט: A ring with a seal that has on it a protruding shape of a human being may not be worn. The Rema, citing *Tosafot*, adds that this prohibition extends to a seal with any protruding forbidden image. It is permitted to seal an item with it, as the imprint of the seal is sunken. Conversely, while a ring with a sunken seal may be worn, one may not seal an item with it, as it produces a protruding shape of a human being, which is prohibited. The Rema adds that even if a gentile used the seal and left a protruding shape, it is prohibited to keep the resulting image (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:11; *Shulḥan Arukh*, *Yoreh De'a* 141:5).

Public is different…to teach oneself is different – רַבִּים שָׁאנֵי…לְהִתְלַמֵּד שָׁאנֵי: It is prohibited to fashion images of the sun or the moon or the constellations, whether they are protruding or sunken. If a gentile fashions them, they should be destroyed. Nevertheless, for the purposes of teaching, it is permitted to fashion and own them. Some permit keeping such images that are found in public areas where many Jews are present, because a large group is not suspected of having idolatrous intentions. Some say this applies even to an image owned by two Jews. Later authorities advise avoiding such situations (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:11; *Shulḥan Arukh*, *Yoreh De'a* 141:4 and *Shakh* there).

PERSONALITIES

Levi – לֵוִי: This individual is Levi, son of Sisi, a student of Rabbi Yehuda HaNasi who lived in the transitional generation between the *tanna'im* and the *amora'im*. Levi was one of the most distinguished disciples of Rabbi Yehuda HaNasi and was a colleague of Rabbi Yehuda HaNasi's son Rabbi Shimon. Rabbi Yehuda HaNasi was quite close to Levi and once declared him to be: A man like me, i.e., on my level.

Levi visited Babylonia several times, where he conferred with its Sages, especially Abba, son of Abba, the father of Shmuel. The Sages of Babylonia often cite his statements, and a physical description of him is provided in the Babylonian Talmud: A scholar of tall stature with a limp.

After the death of Rabbi Yehuda HaNasi he was one of the primary Sages in Eretz Yisrael, but was not appointed to a position in the Sanhedrin (see *Ketubot* 103b). He subsequently moved to Babylonia, where he spent the rest of his life. The Talmud cites many statements of *halakha* and *aggada* in his name. Levi compiled a volume of *baraitot* called the Mishna of the School of Levi, which is similar to Rabbi Ḥiyya's collections of *baraitot*.

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HALAKHA

Which are respectable, etc. – אֵיזוֹ הֵן מְכוּבָּדִין וכו׳: If one finds respectable vessels that contain images of the sun or moon or a dragon, it is prohibited to derive benefit from them, as they were certainly used for idol worship. If such images are found on disgraceful vessels, the vessels are permitted, as it is assumed the images were strictly for ornamental purposes. Some later authorities maintain that when images are found on vessels not designated as either respectable or disgraceful, they are also forbidden (*Shakh*). These are considered respectable vessels: Bracelets, nose rings, and rings. These are disgraceful, whether the image is found above or below the waterline: Pots, kettles, water boilers, and drinking glasses. The Rema includes coins in this category (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:8; *Shulḥan Arukh*, *Yoreh De'a* 141:3).

NOTES

Disgraceful locations upon pots, etc. – מְבוּזִין שֶׁעַל הַיְּיוֹרוֹת וכו׳: The principle, as presented by Rashi and other commentaries, is that utilitarian vessels, such as those used in food preparation, eating, or attire, are considered disgraceful. Respectable vessels are those designed for ornamentation.

Or cast into the sea – אוֹ מַטִּיל לַיָּם: The explanation of these words of Rabbi Yosei are subject to a dispute between Rabba and Rav Yosef in tractate *Pesaḥim* (28a). According to Rabba, all agree that an idol may be disposed of by casting it whole into the Dead Sea, and Rabbi Yosei and the Rabbis disagree with regard to grinding it up and throwing its dust to the wind. According to Rav Yosef, Rabbi Yosei requires grinding prior to throwing it to the wind as well as prior to casting it into the sea, while the Rabbis require grinding only before throwing it to the wind.

LANGUAGE

Kettles [*kumkemasin*] – קוּמְקְמָסִין: From the Greek κούκκουμα, *koukkouma*, and the Latin cucuma. It refers to a metal vessel with a narrow spout, used for boiling water.

״רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר״ וכו׳. אֵיזוֹ הֵן מְכוּבָּדִין, וְאֵיזוֹ הֵן מְבוּזִין?

§ The mishna (42b) teaches that **Rabban Shimon ben Gamliel says:** Those figures that are upon respectable vessels are forbidden. Those that are upon disgraceful vessels are permitted. The Gemara asks: **Which** vessels **are** considered **respectable**[H] **and which are** considered **disgraceful?**

אָמַר רַב: מְכוּבָּדִין – לְמַעְלָה מִן הַמַּיִם, מְבוּזִין – לְמַטָּה מִן הַמַּיִם; וּשְׁמוּאֵל אָמַר: אֵלּוּ וְאֵלּוּ מְבוּזִין הֵן, אֶלָּא אֵלּוּ הֵן מְכוּבָּדִין – שֶׁעַל הַשִּׁירִין וְעַל הַנְּזָמִים וְעַל הַטַּבָּעוֹת.

Rav says: These terms do not represent different types of vessels, but rather the location of the figure upon the vessel. **A respectable** location for an idolatrous figure is on the side of the vessel **above** the level of **the water** or food contents; **a disgraceful** location is **below the water** level. **And Shmuel says:** Both **these and those** locations on eating utensils **are disgraceful. Rather, these are respectable** locations: **Upon bracelets, or upon nose rings, or upon rings.**

תַּנְיָא כְּוָותֵיהּ דִּשְׁמוּאֵל: מְכוּבָּדִין – שֶׁעַל הַשִּׁירִין וְעַל הַנְּזָמִים וְעַל הַטַּבָּעוֹת, מְבוּזִין – שֶׁעַל הַיְּיוֹרוֹת וְעַל הַקּוּמְקְמָסִין וְעַל מְחַמֵּי חַמִּים, וְשֶׁעַל הַסְּדִינִין וְעַל הַמַּטְפָּחוֹת.

The Gemara comments: **It is taught** in a *baraita* **in accordance with** the opinion **of Shmuel** (*Tosefta* 5:1): **Respectable** locations for idolatrous figures are **upon bracelets, or upon nose rings, or upon rings. Disgraceful** locations are **upon** large **pots,**[N] **or upon** small **kettles** [***hakumkemasin***],[L] **or upon samovars, or upon sheets, or upon towels.**

מַתְנִי׳ רַבִּי יוֹסֵי אוֹמֵר: שׁוֹחֵק וְזוֹרֶה לָרוּחַ אוֹ מַטִּיל לַיָּם. אָמְרוּ לוֹ: אַף הוּא נַעֲשָׂה זֶבֶל, שֶׁנֶּאֱמַר: ״לֹא יִדְבַּק בְּיָדְךָ מְאוּמָה מִן הַחֵרֶם״.

MISHNA **Rabbi Yosei says:** When one encounters an idol, he should **grind** the idol **and throw** the dust **to the wind or cast** it **into the sea.**[N] The Rabbis **said to him:** What is the good of that? **That also** gives a Jew benefit from the idol, as it **becomes fertilizer** for his crops, **and** deriving any kind of benefit is prohibited, as **it is stated:** "And **nothing of the proscribed items shall cleave to your hand"** (Deuteronomy 13:18).

גְּמ׳ תַּנְיָא: אָמַר לָהֶם רַבִּי יוֹסֵי, וַהֲלֹא כְּבָר נֶאֱמַר: ״וְאֶת חַטַּאתְכֶם

GEMARA **It is taught** in a *baraita* (*Tosefta* 3:16): **Rabbi Yosei said to them: But isn't it already stated: "And your sin,**

Perek **III**
Daf **44** Amud **a**

אֲשֶׁר עֲשִׂיתֶם אֶת הָעֵגֶל לָקַחְתִּי וָאֶשְׂרֹף אֹתוֹ בָּאֵשׁ וָאֶכֹּת אֹתוֹ טָחוֹן הֵיטֵב עַד אֲשֶׁר דַּק לְעָפָר וָאַשְׁלֵךְ אֶת עֲפָרוֹ אֶל הַנַּחַל הַיֹּרֵד מִן הָהָר״!

the calf that you had made, I took and burned it with fire, and beat it in pieces, grinding it very small, until it was as fine as dust; and I cast its dust into the brook that descended out of the mount" (Deuteronomy 9:21)? Moses, who ground up the idolatrous golden calf and dispersed its dust, was apparently unconcerned with the fact that it may fertilize the soil.

אָמַר לוֹ: מִשָּׁם רְאָיָה? הָתָם הוּא דְּאוֹמֵר: ״וַיִּזֶּר עַל פְּנֵי הַמַּיִם וַיַּשְׁקְ אֶת בְּנֵי יִשְׂרָאֵל״, לֹא נִתְכַּוִּין אֶלָּא לְבוֹדְקָן כְּסוֹטוֹת.

The Rabbis **said to him:** You seek to bring **proof from there? Doesn't it state** in the verse: "And he took the calf that they had made, and burned it with fire, and ground it to powder, **and strewed it upon the water, and made the children of Israel drink of it"** (Exodus 32:20)? Moses ground up the calf **intending only to inspect them like *sota* women,** i.e., like a woman suspected by her husband of having been unfaithful. Such a woman is compelled to drink water containing the ground-up ink from a scroll of Torah passages relating to a *sota* woman, which causes her to die if she was unfaithful, and exonerates her and bestows blessings upon her if she was faithful. Similarly, Moses ground up the calf in order to compel the people to drink, to cause the guilty parties to die.

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אָמַר לָהֶם רַבִּי יוֹסֵי, וַהֲלֹא כְּבָר נֶאֱמַר: ״וְגַם אֶת מַעֲכָה אִמּוֹ הֱסִירָהּ מִגְּבִירָה אֲשֶׁר עָשְׂתָה מִפְלֶצֶת וגו׳ וַיְנַתֵּק אָסָא וַיִּשְׂרֹף בְּנַחַל קִדְרוֹן״! אָמַר לוֹ: מִשָּׁם רְאָיָה? נַחַל קִדְרוֹן אֵינוֹ מְגַדֵּל צְמָחִין.

Rabbi Yosei said to them: But isn't it already stated concerning Asa: **"And he also removed Maacah his mother from being queen, because she had made an abominable image** [*miflatztah*] for an *ashera*; **and** Asa **cut down her image, and burned it at the Kidron River"** (see 1 Kings 15:13)?[B] It seems that Asa was unconcerned that the ground-up idol may provide fertilization. **They said to him:** You seek to bring **proof from there? The Kidron River does not grow vegetation,** so even if the idol would have fertilized the soil, it would have been of no benefit.

וְלָא? וְהָתַנְיָא: אֵלּוּ וְאֵלּוּ מִתְעָרְבִין בָּאַמָּה וְיוֹצְאִין לְנַחַל קִדְרוֹן, וְנִמְכָּרִין לַגַּנָּנִין לְיָבֵל, וּמוֹעֲלִין בָּהֶן! מְקוֹמוֹת מְקוֹמוֹת יֵשׁ בּוֹ, יֵשׁ מָקוֹם מְגַדֵּל צְמָחִין, וְיֵשׁ מָקוֹם שֶׁאֵין מְגַדֵּל צְמָחִין.

The Gemara asks: **And does** the Kidron River **not** grow vegetation? **But isn't it taught** in a mishna (*Yoma* 58b): **This** remainder of blood from the external altar **and that** remainder of blood from the inner altar **are mixed**[H] **in the** Temple courtyard **drain** beneath the altar, **and** they **flow out** with the water used to rinse the area, **to the Kidron River, and** this water **is sold to gardeners for** use as **fertilizer?** The mishna continues: The gardeners pay for this water and thereby desacralize it, **and** failure to do so would render them liable for **misuse**[N] of consecrated property. This is explicit proof that the Kidron River does yield produce. The Gemara answers: **There are** different **places in** the Kidron River area. **There is a place** that **grows vegetation, and there is a place that does not grow vegetation.**

מַאי ״מִפְלֶצֶתָּה״? אָמַר רַב יְהוּדָה: דְּהָוָה מַפְלִיא לֵיצָנוּתָא, כִּדְתָנֵי רַב יוֹסֵף: כְּמִין זַכְרוּת עָשְׂתָה לָהּ, וְהָיְתָה נִבְעֶלֶת לוֹ בְּכָל יוֹם.

The Gemara tangentially inquires about the meaning of a word in the verse quoted above. **What** is the meaning of **"*miflatztah*"? Rav Yehuda says:** It means an object **that intensifies** [*mafli*] **licentiousness** [*leitzanuta*];[N] **as Rabbi Yosef teaches:** Maacah **fashioned** upon the idol **the likeness of a male** organ, **and she would engage in sexual activity with it daily.**

אָמַר לָהֶן רַבִּי יוֹסֵי, וַהֲלֹא כְּבָר נֶאֱמַר: ״וְכִתַּת נְחַשׁ נְחֹשֶׁת אֲשֶׁר עָשָׂה מֹשֶׁה״!

The *baraita* continues: Rabbi Yosei attempts to cite another proof that grinding an object of idol worship is sufficient, from Hezekiah's destruction of Moses' serpent, which was worshipped by the Jewish people in Hezekiah's time. **Rabbi Yosei said to them: But isn't it already stated: "And he broke into pieces the brazen serpent that Moses had made;** as until those days the children of Israel sacrificed to it" (II Kings 18:4)? This indicates that breaking an object of idol worship into pieces suffices.

אָמְרוּ לוֹ: מִשָּׁם רְאָיָה? הֲרֵי הוּא אוֹמֵר: ״וַיֹּאמֶר ה׳ אֶל מֹשֶׁה עֲשֵׂה לְךָ שָׂרָף״, ״לְךָ״ – מִשֶּׁלְךָ, וְאֵין אָדָם אוֹסֵר דָּבָר שֶׁאֵינוֹ שֶׁלּוֹ, וְהָתָם בִּדְּחִינְהוּ דְּכַתּוּתֵי לָא הֲוָה צָרִיךְ.

The Rabbis **said to him:** You seek to bring **proof from there? Doesn't it state** in the verse: **"And the Lord said to Moses: Make you a fiery serpent,** and set it upon a pole; and it shall come to pass, that everyone that is bitten, when he sees it, shall live" (Numbers 21:8)? The term "make **you**" is interpreted to mean that the Lord commanded Moses: Make the serpent **from your** property. Consequently, the serpent belonged to Moses, **and** the principle in such a case is that **a person does not render forbidden an item that is not his.**[H] Therefore, despite worshipping the serpent, the Jewish people could not render it a forbidden object of idol worship, **and by right, it was not necessary to demolish** it **there.**

אֶלָּא בֵּיוָן דַּחֲזָא דְּקָא טָעוּ יִשְׂרָאֵל בַּתְּרֵיהּ, עָמַד וְכִיתְּתוֹ.

Rather, despite the fact that the serpent did not have the halakhic status of an object of idol worship, **since** Hezekiah **saw that the Jewish people were straying after it, he arose and demolished it.** Nevertheless, since this demolishing was not done in order to fulfill the obligation to eradicate objects of idol worship, but merely to prevent its worship, breaking it into pieces was sufficient.

אָמַר לָהֶם, וַהֲלֹא כְּבָר נֶאֱמַר: ״וַיַּעַזְבוּ שָׁם אֶת עַצַּבֵּיהֶם וַיִּשָּׂאֵם דָּוִד וַאֲנָשָׁיו״! וּמַאי מַשְׁמַע דְּהַאי ״וַיִּשָּׂאֵם דָּוִד״ לִישָׁנָא דְּזָרוּיֵי הוּא? כְּדְמַתַּרְגֵּם רַב יוֹסֵף: ״תְּזָרֵם וְרוּחַ תִּשָּׂאֵם״, וּמְתַרְגְּמִינַן: תְּזָרֵינוּן וְרוּחַ תְּטַלְטְלִינוּן.

Rabbi Yosei **said to** the Rabbis, citing another proof for his opinion: **But isn't it already stated: "And they left their images there, and David and his men took them away** [*vayyissa'em*]" (II Samuel 5:21)? **And from where may** it **be inferred that** the meaning of **this formulation: "*Vayyissa'em* David," is winnowing,** i.e., scattering in the wind? It is **as Rav Yosef translates** the verse: **"*Tizrem veruaḥ tissa'em*"** (Isaiah 41:16), **and we translate** it as follows: **"You shall fan them, and the wind shall carry them** away." Apparently, this way of disposing of idolatrous objects is sufficient.

BACKGROUND

Kidron River – נַחַל קִדְרוֹן: On this map, the area of the Temple Mount is the large structure on the left. The Kidron River, which passes next to the wall of the Temple Mount, is the source of the Siloam pool. The sketch clearly shows that the wall of the Temple Mount stands above the slope of the river, and therefore the natural place for removing the spillage from the Temple was via the Kidron River.

Aerial view of Temple Mount and Kidron River

HALAKHA

This and that are mixed – אֵלּוּ וְאֵלּוּ מִתְעָרְבִין בָּאַמָּה: Whether before or after the sacrificial rites are completed, one may not use the blood of offerings for his own purposes, as he will be liable for misuse of consecrated property. Only after the blood flows out to the Kidron River and is purchased and the money from the sale given to the Temple is its use permitted. The Ra'avad writes that the use of sacrificial blood is considered misuse only by rabbinic law (Rambam *Sefer Avoda*, *Hilkhot Me'ila* 2:11).

A person does not render forbidden an item that is not his – אֵין אָדָם אוֹסֵר דָּבָר שֶׁאֵינוֹ שֶׁלּוֹ: If one sacrifices another's animal in idol worship, it is not prohibited to derive benefit from the animal because one cannot render forbidden something that is not his. The Ra'avad writes that one can render another's property forbidden but only through a physical action, and not through mere thought (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 4:3).

NOTES

Misuse – מְעִילָה: Rashi explains that what is meant here is not the standard misuse of consecrated property for which one would be liable to bring a guilt-offering, as the *halakhot* of misuse do not apply to the blood of offerings. Rather, since the blood comes from consecrated property, one would be liable to pay the Temple for the benefit gained.

Intensifies [*mafli*] licentiousness [*leitzanuta*] – מַפְלִיא לֵיצָנוּתָא: This translation of *mafli* is in accordance with Rashi's explanation. *Tosafot*, citing the *Arukh*, explain that the word means to make a mockery.

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NOTES

The verses contradict each other – קָשׁוּ קְרָאֵי אַהֲדָדֵי: Even though the two verses are found in two different books of the Bible, since they describe the same incident, the minor differences between the accounts must be reconciled.

Before Ittai the Gittite came – קוֹדֶם שֶׁבָּא אִיתַּי הַגִּיתִּי: According to this account, Ittai was a Philistine from the city of Gath who had led six hundred men to join David's ranks, as is recounted in the book of Samuel: "And all his servants passed on beside him; and all the Cherethites, and all the Pelethites, and all the Gittites, six hundred men that came after him from Gath, passed on before the king" (II Samuel 15:18).

Precious stone, etc. – אֶבֶן יְקָרָה וכו': This interpretation is supported by the continuation of the verse: "And in it were precious stones."

אָמְרוּ לוֹ: מִשָּׁם רְאָיָה? הֲרֵי הוּא אוֹמֵר: "וַיִּשְׂרְפוּ בָּאֵשׁ"; וּמִדְּלָא כְּתִיב "וַיִּשְׂרְפֵם וַיִּשָּׂאֵם", שְׁמַע מִינָּהּ וַיִּשָּׂאֵם מַמָּשׁ.

The Rabbis **said to him:** You seek to bring **proof from there? Doesn't it state** with regard to the same incident: "And they left their gods there; and David gave an order, **and they were burned with fire"** (I Chronicles 14:12)? **And from** the fact **that it is not written** here: **And they burned them *vayyissa'em*, learn from it** that the word ***vayyissa'em*** is not referring to scattering in the wind, but rather it should be understood **literally,** i.e., David and his men took the idols away; and it does not mean that they demolished and scattered them.

מִכָּל מָקוֹם קָשׁוּ קְרָאֵי אַהֲדָדֵי!

The Gemara asks: **In any case, the verses contradict each other.**[N] The two accounts with regard to David's disposal of the idols seem inconsistent. One states that his men took them away or scattered them, while the other recounts that they burned them.

כִּדְרַב הוּנָא, דְּרַב הוּנָא רָמֵי, כְּתִיב: "וַיֹּאמֶר דָּוִד וַיִּשָּׂרְפוּ בָּאֵשׁ", וּכְתִיב: "וַיִּשָּׂאֵם"!

The Gemara answers **in accordance with** the resolution **of Rav Huna, as Rav Huna raises a contradiction** between the verses, as follows: **It is written:** "And they left their gods there; **and David gave an order, and they were burned with fire"** (I Chronicles 14:12), **and it is** also **written: "And** David and his men **took them away"** (II Samuel 5:21).

לָא קַשְׁיָא: כָּאן קוֹדֶם שֶׁבָּא אִיתַּי הַגִּיתִּי, כָּאן לְאַחַר שֶׁבָּא אִיתַּי הַגִּיתִּי.

Rav Huna answers: It is **not difficult.** In the interim, Ittai the Gittite, who was a gentile, arrived, and David commanded him to revoke the idolatrous status of the idols, as only gentiles are capable of doing this. **Here,** the verse that states that they burned the idols describes their actions **before Ittai the Gittite came,**[N] whereas **there,** the verse that indicates that they simply carried them away is referring to **after Ittai the Gittite came** and revoked their status as objects of idol worship, obviating the need to burn them.

דִּכְתִיב: "וַיִּקַּח אֶת עֲטֶרֶת מַלְכָּם מֵעַל רֹאשׁוֹ וּמִשְׁקָלָהּ כִּכַּר זָהָב", וּמִי שָׁרֵי? אִיפּוּכֵי הֲנָאָה נִינְהוּ! אָמַר רַב נַחְמָן: אִיתַּי הַגִּיתִּי בָּא וּבִיטְּלָהּ.

Another difficulty is resolved by Ittai's arrival; **as it is written** with regard to the Ammonite idol: **"And he took the crown of Malcam from off his head, and its weight was a talent of gold,** and in it were precious stones; and it was set on David's head" (II Samuel 12:30). **But is it permitted** for David to wear the crown? Isn't it an object of idol worship and therefore under the category of **items from which** deriving **benefit** is **prohibited? Rav Naḥman says: Ittai the Gittite arrived and revoked** its status as an object of idol worship.

"מִשְׁקָלָהּ כִּכַּר זָהָב", הֵיכִי מָצֵי מַנַּח לָהּ? אָמַר רַב יְהוּדָה אָמַר רַב: רְאוּיָה לָנוּחַ עַל רֹאשׁ דָּוִד. רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא אָמַר: אֶבֶן שׁוֹאֶבֶת הָיְתָה בָּהּ דַּהֲוַת דָּרָא לָהּ. רַבִּי אֶלְעָזָר אָמַר: אֶבֶן יְקָרָה הָיְתָה בָּהּ שֶׁשָּׁוָה כִּכַּר זָהָב.

§ The Gemara discusses David's crown. The verse states: **"And its weight was a talent of gold."** As a talent is a very heavy weight, the Gemara asks: **How could** David **place it** on his head? **Rav Yehuda says** that **Rav says:** What is meant is not that it was actually placed on his head, but rather that **it was fit to rest on David's head,** i.e., it fit the size of his head. Giving a different answer, **Rabbi Yosei, son of Rabbi Ḥanina, says: There was a lodestone**[B] **in it that would hold it up,** i.e., from which it was suspended. David sat and placed his head in it, giving the appearance that he was wearing it. **Rabbi Elazar says:** What is meant is not that it weighed a full talent of gold, but rather that **there was a precious stone**[N] **on it that was worth a talent of gold.**

BACKGROUND

Lodestone [*even sho'evet*] – אֶבֶן שׁוֹאֶבֶת: In modern Hebrew, the term *even sho'evet* refers to a type of magnet. Even in antiquity people possessed knowledge of the magnetic properties of certain types of iron. In particular, magnetite, which has a blackish-gray appearance and contains a high degree of magnetic iron, was used. The idea of lightening a load by placing a chunk of iron inside it and a lodestone on the outside is mentioned in several ancient sources.

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״זֹאת הָיְתָה לִּי כִּי פִקּוּדֶיךָ נָצָרְתִּי״, מַאי קָאָמַר? הָכִי קָאָמַר: בִּשְׂכַר שֶׁפִּקּוּדֶיךָ נָצַרְתִּי – זֹאת הָיְתָה לִּי לְעֵדוּת. מַאי עֵדוּתָהּ? אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: שֶׁהָיָה מַנִּיחָהּ בִּמְקוֹם תְּפִילִּין וְהוֹלַמְתּוֹ. וְהָא בָּעֵי אַנּוּחֵי תְּפִילִּין! אָמַר רַבִּי שְׁמוּאֵל בַּר רַב יִצְחָק: מָקוֹם יֵשׁ בָּרֹאשׁ שֶׁרָאוּי לְהַנִּיחַ בּוֹ שְׁתֵּי תְּפִילִּין.

The Gemara asks with regard to the verse: **"This I have had, as I have kept Your precepts"** (Psalms 119:56): **What is it saying?** The Gemara answers that **this** is what the verse **is saying: As reward for** the fact **that I kept your precepts, this** crown **was a testimony for me** that I am fit to be king. **What** exactly **was its testimony? Rabbi Yehoshua ben Levi says:** It was **that** David **would place** the crown on his head **on the spot** where one dons **phylacteries, and it fit him** perfectly. The Gemara asks: **But** how could he have worn the crown? **Wasn't he required to don phylacteries? Rabbi Shmuel bar Rav Yitzḥak says: There is** enough **space on** the part of **the head**[H] **that is fit for donning** phylacteries for one to don **two phylacteries.**[N]

״וַיּוֹצִיאוּ אֶת בֶּן הַמֶּלֶךְ וַיִּתְּנוּ עָלָיו אֶת הַנֵּזֶר וְאֶת הָעֵדוּת״, ״נֵזֶר״ – זוֹ כְּלִילָא, ״עֵדוּת״ – אָמַר רַב יְהוּדָה אָמַר רַב: עֵדוּת הוּא לְבֵית דָּוִד, שֶׁכָּל הָרָאוּי לְמַלְכוּת הוֹלַמְתּוֹ, וְכָל שֶׁאֵינוֹ רָאוּי לְמַלְכוּת אֵין הוֹלַמְתּוֹ.

Similarly, it is stated with regard to Joash: **"Then they brought out the king's son, and put upon him the crown** [*hanezer*] **and the testimony,** and made him king" (II Chronicles 23:11). **"*Nezer*" is a crown.** What was the **"testimony"? Rav Yehuda says** that **Rav says: It is a testimony for** the progeny of **house of David that anyone who is fit for kingship,** the crown **fits him** properly; **and anyone who is unfit for kingship,** the crown **does not fit him** properly.

״וַאֲדֹנִיָּה בֶן חַגִּית מִתְנַשֵּׂא לֵאמֹר אֲנִי אֶמְלֹךְ״ – אָמַר רַב יְהוּדָה אָמַר רַב: שֶׁמִּתְנַשֵּׂא לְהוֹלְמוֹ וְלֹא הוֹלַמְתּוֹ.

Similarly, the verse states: **"Now Adonijah, son of Haggith, exalted himself, saying: I will be king"** (I Kings 1:5). **Rav Yehuda says** that **Rav says:** The term "exalted himself" **teaches that he sought to** have the crown **fit him, but it did not fit him.**

״וַיַּעַשׂ לוֹ רֶכֶב וּפָרָשִׁים וַחֲמִשִּׁים אִישׁ רָצִים לְפָנָיו״ – מַאי רְבוּתַיְיהוּ? תָּנָא: כּוּלָּם נְטוּלֵי טְחוֹל וַחֲקוּקֵי כַּפּוֹת הָרַגְלַיִם הָיוּ.

The verse continues: **"And he prepared for himself chariots and riders and fifty people to run before him"** (I Kings 1:5). The Gemara asks: **What** is **the novelty of these**[N] actions, since other wealthy people do the same, even if they are not the sons of kings with designs on the throne? It is **taught** in a *baraita* that what was unique was that the runners **all had** their **spleens removed**[B] **and had the soles of their feet hollowed,**[B] i.e., flesh from their feet was removed, and these two procedures enhanced their speed.

HALAKHA

There is space on the head, etc. – מָקוֹם יֵשׁ בָּרֹאשׁ וכו׳: The specific location on the head where phylacteries are to be worn is large enough to have two phylacteries laid there. Therefore, one who has fear of Heaven should simultaneously don phylacteries that are ordered in accordance with the opinion of Rashi and those that are ordered in accordance with the opinion of Rabbeinu Tam. This is the custom among certain groups of Sephardim. The custom among some Ashkenazic Jews is to don Rabbeinu Tam phylacteries after removing the Rashi phylacteries (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 34:2).

NOTES

Two phylacteries – שְׁתֵּי תְּפִלִּין: Rashi understands this as referring to the width of two phylactery straps. Other early commentaries understand it as referring to the phylacteries themselves.

What is the novelty of these – מַאי רְבוּתַיְיהוּ: From where does the Gemara derive that Adonijah's actions involved some novelty? Here, Rashi explains that the beginning of the verse, "and he prepared for himself," indicates that something unique was prepared. Elsewhere, Rashi explains that parading fifty men is simply not a great feat for a royal prince. This explanation is also given by the Ya'avetz, who adds that with regard to Absalom it is stated that he had two hundred men run before him.

BACKGROUND

Spleens removed – נְטוּלֵי טְחוֹל: Even in ancient times it was discovered that the spleen, especially when enlarged, hinders one's ability to run. An enlarged spleen is a side effect resulting from malaria. Ancient medical texts describe operations for the removal of the spleen. One who survives the operation with minimal blood loss and a lack of infection can go on to live a normal life and will find it easier to run.

Soles of their feet hollowed – חֲקוּקֵי כַּפּוֹת רַגְלַיִם: This is possibly a reference to orthopedic surgery to correct abnormal arches.

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LANGUAGE

Proclus – פְּרוֹקְלוֹס: This seems to be the Greek name Πρόκλος, Proclos, which means one who raises objections. It is not known exactly who this man was, but judging by the context is seems that he was an important officer in the Roman government. This is supported by the fact that Rabban Gamliel took the time and trouble to explain his actions to him.

Plospus – פְּלוֹסְפוֹס: Many prefer the variant, Ploslus, which is close to the Greek name Φιλόλαος, Philolaos, meaning one who loves the people.

HALAKHA

That people treat as a deity – אֶת שֶׁנּוֹהֲגִ בּוֹ מִשּׁוּם אֱלוֹהַּ: It is permitted to bathe in a bathhouse that has a statue in it because it is clear that the statue is merely for ornamental purposes and not worship. Only a statue that is revered and respected in a manner befitting a deity is considered idolatrous; one that is treated with degradation is not (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:18; *Shulḥan Arukh*, *Yoreh De'a* 142:14).

מתני׳ שָׁאַל פְּרוֹקְלוֹס בֶּן פְּלוֹסְפוֹס אֶת רַבָּן גַּמְלִיאֵל בְּעַכּוֹ, שֶׁהָיָה רוֹחֵץ בַּמֶּרְחָץ שֶׁל אַפְרוֹדִיטִי, אָמַר לֵיהּ, כָּתוּב בְּתוֹרַתְכֶם: "לֹא יִדְבַּק בְּיָדְךָ מְאוּמָה מִן הַחֵרֶם", מִפְּנֵי מָה אַתָּה רוֹחֵץ בַּמֶּרְחָץ שֶׁל אַפְרוֹדִיטִי?

MISHNA A wise gentile, **Proclus**[L] **ben Plospus,**[LN] once **asked** a question **of Rabban Gamliel in** the city of **Akko**[B] **when he was bathing in the bathhouse of** the Greek god **Aphrodite.**[B] Proclus **said to him: It is written in your Torah:** "And **nothing of the proscribed items shall cleave to your hand"** (Deuteronomy 13:18). **For what reason do you bathe** before an idol **in the bathhouse of Aphrodite?**

אָמַר לוֹ: אֵין מְשִׁיבִין בַּמֶּרְחָץ. וּכְשֶׁיָּצָא, אָמַר לוֹ: אֲנִי לֹא בָּאתִי בִּגְבוּלָהּ, הִיא בָּאָה בִּגְבוּלִי; אֵין אוֹמְרִים: "נַעֲשֶׂה מֶרְחָץ נָאֶה לְאַפְרוֹדִיטִי", אֶלָּא אוֹמְרִים: "נַעֲשֶׂה אַפְרוֹדִיטִי נָאֶה לַמֶּרְחָץ".

Rabban Gamliel **said to him: One may not answer**[N] questions related to Torah **in the bathhouse. And when he left** the bathhouse, Rabban Gamliel gave him several answers. **He said to him: I did not come into its domain; it came into my domain.** The bathhouse existed before the statue dedicated to Aphrodite was erected. Furthermore, people **do not say:**[N] **Let us make a bathhouse** as **an adornment for Aphrodite; rather,** they **say: Let us make** a statue of **Aphrodite** as **an adornment for the bathhouse.** Therefore, the main structure is not the Aphrodite statue, but the bathhouse.

דָּבָר אַחֵר: אִם נוֹתְנִים לְךָ מָמוֹן הַרְבֵּה, אִי אַתָּה נִכְנָס לַעֲבוֹדָה זָרָה שֶׁלְּךָ עָרוּם וּבַעַל קֶרִי וּמַשְׁתִּין בְּפָנֶיהָ; זוֹ עוֹמֶדֶת עַל פִּי הַבִּיב וְכָל הָעָם מַשְׁתִּינִין לְפָנֶיהָ, לֹא נֶאֱמַר אֶלָּא "אֱלֹהֵיהֶם", אֶת שֶׁנּוֹהֲגִ בּוֹ מִשּׁוּם אֱלוֹהַּ – אָסוּר, אֶת שֶׁאֵינוֹ נוֹהֲגִ בּוֹ מִשּׁוּם אֱלוֹהַּ – מוּתָּר.

Rabban Gamliel continued: **Alternatively,**[N] there is another answer: Even **if** people would **give you a lot of money, you would not enter** before **your** object of **idol worship naked, or** as **one who experienced a seminal emission** who comes to the bathhouse to purify himself, **nor** would you **urinate before it. This** statue **stands upon the sewage pipe**[B] **and all the people urinate before it.** There is no prohibition in this case, as **it is stated** in the verse **only:**[N] **"Their gods"** (see Deuteronomy 12:2), which indicates that a statue **that** people **treat as a deity**[H] is **forbidden,** but one **that** people **do not treat** with the respect that is **due to a deity** is **permitted.**

NOTES

Proclus ben Plospus – פְּרוֹקְלוֹס בֶּן פְּלוֹסְפוֹס: It is suggested in *Tiferet Yisrael* that he was called: Son of Plospus, as a reference to his intellectual stature since he was a known philosopher, or *philosof* in Hebrew, which is phonetically similar to Plospus. There are variant versions of the text that do not support this theory.

One may not answer – אֵין מְשִׁיבִין: Since the question was related to a Torah matter, it was prohibited to discuss it in the bathhouse in the presence of unclothed people (Rashi).

Do not say – אֵין אוֹמְרִים: Rashi explains that this is an additional answer. Even now that the statue has been erected in the bathhouse, it is still ancillary to the bathhouse and is viewed as an adornment of it. The Ra'avad explains that this answer lends support to the previous one. There is still room to say that though the bathhouse preceded the statue, the statue was of primary importance and the bathhouse was chosen as a backdrop that would attract worshippers. Therefore, Rabban Gamliel added that was not the case; rather, the statue was brought to attract patrons to the bathhouse.

Alternatively, etc. – דָּבָר אַחֵר וכו׳: This can be explained as presenting another proof that the statue is ancillary to the bathhouse. Alternatively, it can be explained as a new answer entirely; even if one were to claim that the Aphrodite statue was primary and the bathhouse secondary, it would still be permitted to use the bathhouse as the idol's status was revoked, as is evident by its positioning before people involved in bodily functions (Ra'avad).

It is stated only – לֹא נֶאֱמַר אֶלָּא: The Torah prohibits only idols that are treated with the respect accorded to a deity. This statue, which is not accorded such reverence, is clearly meant for ornamental purposes.

BACKGROUND

Akko – עַכּוֹ: Although this ancient and significant port city is included in the boundaries of Eretz Yisrael as described in the Torah, it was never actually conquered by the Israelites during the First Temple period and remained under the jurisdiction of the rulers of Sidon. Even during the Second Temple period, when the Hasmonean dynasty was at its zenith, Akko remained under foreign control.

Since it was not under Jewish control, Akko was not consecrated as part of Eretz Yisrael for the purposes of the mitzvot that are dependent on Eretz Yisrael. The outskirts of the city were under Jewish control and therefore were considered to have been consecrated by the Jews returning from the Babylonian exile. The Jerusalem Talmud provides highly specific demarcations of which areas form part of Eretz Yisrael. Despite its unconsecrated status, there were periods in which Akko contained a significant Jewish community that produced many illustrious Sages.

Aphrodite – אַפְרוֹדִיטִי: This is Aphrodite, the god of beauty and procreation. Its image was fashioned as a young, attractive woman. Therefore, its image was also commonly used for ornamental purposes not connected to actual worship.

Stands upon the sewage pipe – עוֹמֶדֶת עַל פִּי הַבִּיב: This concept is found in Greek and Roman literature as well. It was considered an utter disgrace to their gods when an impure person came to worship; all the more so if one were to urinate before or on the idol itself.

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גמ׳ וְהֵיכִי עֲבִיד הָכִי? וְהָאָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: בְּכָל מָקוֹם מוּתָּר לְהַרְהֵר, חוּץ מִבֵּית הַמֶּרְחָץ וּמִבֵּית הַכִּסֵּא!

GEMARA The mishna relates that Rabban Gamliel first told Proclus that he cannot answer a question related to Torah in a bathhouse. The Gemara asks: **And how could he have acted** in **this** manner? How could Rabban Gamliel have stated even this *halakha* in the bathhouse? **But doesn't Rabba bar bar Ḥana say** that **Rabbi Yoḥanan says: It is permitted to contemplate** matters of Torah **everywhere**[H] **except for the bathhouse and the bathroom?**

וְכִי תֵּימָא, בִּלְשׁוֹן חוֹל אָמַר לֵיהּ – וְהָאָמַר אַבַּיֵי: דְּבָרִים שֶׁל חוֹל מוּתָּר לְאוֹמְרָן בִּלְשׁוֹן קֹדֶשׁ, דְּבָרִים שֶׁל קֹדֶשׁ אָסוּר לְאוֹמְרָן בִּלְשׁוֹן חוֹל!

And if you would say that Rabban Gamliel **stated** this ruling **to him in a secular language,** and therefore it was permitted for him to do so, this would not be a satisfactory answer; **but doesn't Abaye say** that it is **permitted to say secular statements** in a bathhouse or bathroom **in the sacred tongue,** Hebrew, but it is **prohibited to say sacred,** Torah-related, **statements** even **in a secular language** in a bathhouse or bathroom?

תָּנָא: כְּשֶׁיָּצָא אָמַר לוֹ: אֵין מְשִׁיבִין בַּמֶּרְחָץ.

The Gemara answers that the mishna actually **taught** as follows: **When he left** the bathhouse, Rabban Gamliel **said to him: One may not answer** questions related to Torah **in the bathhouse.**

אָמַר רַב חָמָא בַּר יוֹסֵף בְּרַבִּי אָמַר רַבִּי אוֹשַׁעְיָא: תְּשׁוּבָה גְּנוּבָה הֵשִׁיבוֹ רַבָּן גַּמְלִיאֵל לְאוֹתוֹ הֶגְמוֹן, וַאֲנִי אוֹמֵר: אֵינָהּ גְּנוּבָה.

§ **Rav Ḥama bar Yosef the Distinguished says** that **Rabbi Oshaya says: Rabban Gamliel gave a deceptive response to that officer,** Proclus. **And I,** Rav Ḥama, **say that** the response **was not deceptive** but truthful.

מַה גְּנוּבָתֵיהּ? דְּקָאָמַר לוֹ: זוֹ עוֹמֶדֶת עַל פִּי הַבִּיב וְכָל אָדָם מַשְׁתִּין בְּפָנֶיהָ; וְכִי מַשְׁתִּין בְּפָנֶיהָ מַאי הֲוֵי? וְהָאָמַר רָבָא: פְּעוֹר יוֹכִיחַ, שֶׁמְּפָעֲרִין לְפָנָיו בְּכָל יוֹם וְאֵינוֹ בָּטֵל;

The Gemara explains: **What was its deception,** according to Rabbi Oshaya? It was **that** Rabban Gamliel **said to him: This** statue **stands upon the sewage pipe and all people urinate before it.** In saying this, Rabban Gamliel meant that the statue has no idolatrous status as is evident from the demeaning conduct performed before it. **And** this claim is deceptive, as even **if one urinates before it, what of it?** Does that really negate its idolatrous status? **But doesn't Rava say** that the idol of **Peor proves** the contrary, **as** its worshippers **defecate before it daily, and** its idolatrous status still **is not revoked?**

וַאֲנִי אוֹמֵר: אֵינָהּ גְּנוּבָה, זוֹ עֲבוֹדָתָהּ בְּכָךְ, וְזוֹ אֵין עֲבוֹדָתָהּ בְּכָךְ.

Rav Ḥama bar Yosef himself disagrees: **And I say** that **it is not a deceptive** answer. With regard to **that** idol, Peor, **its** standard manner of **worship is in that** manner;[H] therefore, its status is certainly not revoked by that behavior. **But** with regard to **this** statue, Aphrodite, **its** standard manner of **worship is not in that** manner. Therefore, the display of demeaning conduct in its presence is indicative of a lack of reverence for it and of its lack of idolatrous status.

אָמַר אַבַּיֵי: גְּנוּבָתָהּ מֵהָכָא, דְּקָאָמַר לֵיהּ: אֲנִי לֹא בָּאתִי בִּגְבוּלָהּ וְהִיא בָּאָה בִּגְבוּלִי; וְכִי בָּא בִּגְבוּלָהּ מַאי הֲוֵי? וְהָתְנַן: עֲבוֹדָה זָרָה שֶׁיֵּשׁ לָהּ מֶרְחָץ אוֹ גִּינָּה – נֶהֱנִין מֵהֶן שֶׁלֹּא בְּטוֹבָה, וְאֵין נֶהֱנִין מֵהֶן בְּטוֹבָה;

Abaye said: The deception in Rabban Gamliel's response was **from here, when he said to him: I did not come into its domain, but** rather **it came into my domain.** He explains: **And** even **if it,** the bathhouse, **had come into its domain, what of it?** Even if the idol had preceded the bathhouse, it would still not render use of the bathhouse prohibited; **but didn't we learn** in a mishna (51b): With regard to an object of **idol worship that has a bathhouse or a garden** in front of it, **one may** derive **benefit from** the bathhouse or garden **without** showing **favor**[N] by giving thanks or payment to its priests, **but one may not** derive **benefit from it while** showing it **favor?** Rabban Gamliel's answer was therefore deceptive because the permissibility of using the bathhouse had nothing to do with its antecedence to the statue.

HALAKHA

It is permitted to contemplate everywhere, etc. – בְּכָל מָקוֹם מוּתָּר לְהַרְהֵר וכו׳: When in a bathroom, bathhouse, or similarly unclean place, not only is it prohibited to speak words of Torah, but it is even prohibited to contemplate matters of Torah. It is even prohibited to learn there *halakhot* pertaining to a bathhouse (Rema). Non-sacred topics may be discussed there even in Hebrew. In the event that one needs to caution another to prevent him from violating a transgression, he may do so even in Hebrew, and even if it requires speaking words of Torah (Rambam *Sefer Ahava*, *Hilkhot Keriat Shema* 3:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 85:2).

Its worship is in that manner – זוֹ עֲבוֹדָתָהּ בְּכָךְ: It is generally permitted to bathe in a bathhouse that has a statue in it because of the degrading nature of the activities performed there. But if the statue is dedicated to an idolatrous deity whose worship involves such degrading acts, then it is prohibited (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:18; *Shulḥan Arukh*, *Yoreh De'a* 142:14).

NOTES

One may benefit from it without favor – נֶהֱנִין מֵהֶן שֶׁלֹּא בְּטוֹבָה: Rashi explains that this is where one does not show any gratitude to the gentile for allowing him to use the facilities. Rashi gives another explanation, also given by Rabbeinu Ḥananel, that favor here refers to payment.

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HALAKHA

This cup is dedicated to idol worship – כּוֹס זֶה לַעֲבוֹדָה זָרָה: It is not prohibited to derive benefit from meat, fruit, or wine, which are prepared as an offering for idol worship, even if it is brought into the place of worship. Only once it is actually sacrificed before the idol does it become forbidden (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:15 and *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:4; *Shulḥan Arukh*, *Yoreh De'a* 139:6).

וַאֲנִי אוֹמֵר: אֵינָהּ גְּנוּבָה, שֶׁלֹּא בְּטוֹבַת רַבָּן גַּמְלִיאֵל כִּבְטוֹבַת אֲחֵרִים דָּמֵי.

Rav Ḥama bar Yosef himself disagrees: **And I say** that **it is not a deceptive** answer, **as** even though **Rabban Gamliel** visited the bathhouse **without** showing **favor**[N] by expressing thanks or giving payment, the very fact that such an esteemed visitor paid it a visit **is the equivalent of others** actively showing **favor.**

רַב שִׁימִי בַּר חִיָּיא אָמַר: גְּנוּבָתָהּ מֵהָכָא, דְּקָאָמַר לוֹ: זוֹ עוֹמֶדֶת עַל הַבִּיב וְכָל אָדָם מַשְׁתִּינִין בְּפָנֶיהָ; וְכִי מַשְׁתִּינִין בְּפָנֶיהָ מַאי הָוֵי? וְהָתְנַן: רָק בְּפָנֶיהָ, הִשְׁתִּין בְּפָנֶיהָ, גֵּירְרָהּ וְזָרַק בָּהּ אֶת הַצּוֹאָה – הֲרֵי זוֹ אֵינָהּ בְּטֵילָה;

Rav Shimi bar Ḥiyya says: The deception in Rabban Gamliel's response was **from here, when he said to him: This** statue **stands upon the sewage pipe and all people urinate before it.** He explains: **And if people urinate before it, what of it?** That does not indicate a lack of idolatrous status; **but didn't we learn** in a mishna (53a): If one **spit in front of it, urinated in front of it, dragged it, or threw feces at it,** its status as an object of idol worship **is not revoked?**

וַאֲנִי אוֹמֵר: אֵינָהּ גְּנוּבָה, הָתָם לְפִי שַׁעְתָּא הוּא רָתַח עָלָהּ וַהֲדַר מְפַיֵּיס לָהּ, הָכָא כָּל שַׁעְתָּא וְשַׁעְתָּא בְּזִלְזוּלָהּ קַיְימָא.

Rav Ḥama bar Yosef himself disagrees: **And I say** that **it is not a deceptive** answer. **There,** the case of that mishna is of one who **temporarily rages against** the idol, **and afterward he appeases it. Here,** in the case of the Aphrodite statue erected on the sewage pipe, **each and every hour** the statue **remains in** a constant state of **disparagement.** This setup indicates a permanent lack of reverence and an absence of true idolatrous status.

רַבָּה בַּר עוּלָּא אָמַר: גְּנוּבָתָהּ מֵהָכָא, דְּקָאָמַר לֵיהּ: אֵין אוֹמְרִין נַעֲשֶׂה מֶרְחָץ נוֹי לְאַפְרוֹדִיטִי אֶלָּא נַעֲשֶׂה אַפְרוֹדִיטִי נוֹי לַמֶּרְחָץ; וְכִי אָמַר נַעֲשֶׂה מֶרְחָץ לְאַפְרוֹדִיטִי נוֹי מַאי הָוֵי? וְהָתַנְיָא: הָאוֹמֵר "בַּיִת זֶה לַעֲבוֹדָה זָרָה", "כּוֹס זֶה לַעֲבוֹדָה זָרָה" – לֹא אָמַר כְּלוּם, שֶׁאֵין הֶקְדֵּשׁ לַעֲבוֹדָה זָרָה;

Rabba bar Ulla said: The deception in Rabban Gamliel's response was **from here, when he said to him** that people **do not say: Let us make a bathhouse** as **an adornment for Aphrodite; rather,** they say: **Let us make** a statue of **Aphrodite** as **an adornment for the bathhouse.** He explains: **And** even **if** people **say: Let us make a bathhouse** as **an adornment for Aphrodite, what of it?**[N] **But isn't it taught** in a *baraita*: In the case of **one who says: This house is** hereby dedicated **to idol worship,** or: **This cup is** hereby dedicated **to idol worship,**[H] **he has said nothing,** i.e., his words take no effect, **as there is no** *halakha* of **consecration with regard to** objects of **idol worship.** While one can consecrate an item to the Temple through verbal designation, there is no such method for according idolatrous status to an object. Therefore, Rabban Gamliel's deception lies in his indication that such a formulation would render the bathhouse forbidden as an object of idol worship.

וַאֲנִי אוֹמֵר: אֵינָהּ גְּנוּבָה, נְהִי דְּאִיתַּסּוּרֵי לָא מִיתַּסְרָא, נוֹי מִיהָא אִיכָּא.

Rav Ḥama bar Yosef himself disagrees: **And I say** that **it is not a deceptive** answer. **Although** the bathhouse would **not be rendered forbidden** as an object of idol worship due to a verbal designation, **it would at least have** the status of **an adornment**[N] of an object of idol worship, which is also forbidden.

NOTES

As Rabban Gamliel visited without favor, etc. – שֶׁלֹּא בְּטוֹבַת רַבָּן גַּמְלִיאֵל וכו': Rashi and the Ra'avad explain the patronage of an important person such as Rabban Gamliel to be an honor for Aphrodite's priests, even though he displayed no appreciation. Rabbeinu Ḥananel, in accordance with his definition of showing favor as a monetary benefit, explains that Rabban Gamliel's celebrity patronage attracted others to visit this particular bathhouse.

Adornment…what of it – נוֹי מַאי הָוֵי: While adornments of objects of idol worship are also forbidden, they are rendered forbidden only through physical acts of consecration but not through verbal declarations (Rashi). Therefore, since the bathhouse was not initially built for idolatrous purposes, it is not rendered forbidden by subsequent declarations.

It would at least have an adornment – נוֹי מִיהָא אִיכָּא: The explanation in the commentary accords with the understanding of *Tosafot*. Rashi explains that although the bathhouse is not technically forbidden, bathing therein is a sort of adornment and is therefore prohibited as it causes the embellishment of an object dedicated to idol worship. Along similar lines, the Meiri writes that although use of the bathhouse is technically permitted, it is proper for an important person to abstain from using it. The Ra'avad explains that it is prohibited to use the bathhouse because the act of erecting the idolatrous statue as an adornment in a bathhouse can be viewed as a physical consecration of the bathhouse and not just a verbal one.

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מתני׳ הַגּוֹיִם הָעוֹבְדִים אֶת הֶהָרִים וְאֶת הַגְּבָעוֹת – הֵן מוּתָּרִין וּמַה שֶּׁעֲלֵיהֶן אֲסוּרִין, שֶׁנֶּאֱמַר: ״לֹא תַחְמֹד כֶּסֶף וְזָהָב עֲלֵיהֶם״.

MISHNA With regard to the *halakha* in the case of **the gentiles who worship**[N] **the mountains**[B] **and the hills,** the mountains and hills **are permitted,**[N] **but what is upon them is forbidden.**[HN] It is not prohibited to derive benefit from the mountains and hills themselves, and they can be used for planting, harvesting, and the like. But if gentiles coated them with gold or silver, it is prohibited to derive benefit from the coating, **as it is stated:** "The graven images of their gods shall you burn with fire; **you shall not covet**[N] **the silver or the gold that is on them,** nor take it for yourself, lest you be snared by it; for it is an abomination to the Lord your God" (Deuteronomy 7:25).

רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר: ״אֱלֹהֵיהֶם עַל הֶהָרִים״ – וְלֹא הֶהָרִים אֱלֹהֵיהֶם, ״אֱלֹהֵיהֶם עַל הַגְּבָעוֹת״ – וְלֹא הַגְּבָעוֹת אֱלֹהֵיהֶם;

Rabbi Yosei HaGelili says with regard to the verse: "You shall destroy all the places where the nations that you are to dispossess served their gods, upon the high mountains, and upon the hills, and under every leafy tree" (Deuteronomy 12:2): The mitzva to destroy objects of idol worship applies to **"their gods, upon the** high **mountains," but not** to **the mountains** themselves that are **their gods.** Similarly it applies to **"their gods…upon the hills," but not** to **the hills** themselves that are **their gods.**

וּמִפְּנֵי מָה אֲשֵׁירָה אֲסוּרָה? מִפְּנֵי שֶׁיֵּשׁ בָּהּ תְּפִיסַת יְדֵי אָדָם, וְכָל שֶׁיֵּשׁ בָּהּ תְּפִיסַת יְדֵי אָדָם – אָסוּר.

The mishna asks: **And for what reason,** then, is **an *ashera***[H] **forbidden?** Doesn't the verse also state: "And under every leafy tree," which indicates that the mitzva to destroy objects of idol worship does not apply to the trees themselves? The mishna answers: It is **because it** is the product of **human involvement** and did not grow by itself, **and** the *halakha* is that **anything that** is the product of **human involvement** is **forbidden.**

אָמַר רַבִּי עֲקִיבָא, אֲנִי אוֹבִין וְאָדוּן לְפָנֶיךָ: כָּל מָקוֹם שֶׁאַתָּה מוֹצֵא הַר גָּבוֹהַּ וְגִבְעָה נִשָּׂאָה וְעֵץ רַעֲנָן, דַּע שֶׁיֵּשׁ שָׁם עֲבוֹדָה זָרָה.

Rabbi Akiva says: I will explain and decide[N] the matter **before you.** The verse does not indicate limitations to the halakhic definition of idols; rather, it is simply giving indicators of prevalent idolatrous practice: **Everywhere that you find a high mountain, or an elevated hill, or a leafy tree, know that there is idol worship there.**

BACKGROUND

Worship the mountains – עוֹבְדִים אֶת הֶהָרִים: In ancient days, pagans would worship and make deities out of mountains and design idols in their honor. Sometimes a specific mountain would be considered as a representation of a particular god. Sometimes, as in the case of Mount Carmel, the mountain itself was viewed as a god. This practice continued even into the days of the Sages of the Talmud.

HALAKHA

They are permitted but what is upon them is forbidden – הֵן מוּתָּרִין וּמַה שֶּׁעֲלֵיהֶן אֲסוּרִין: Concerning anything that is not man-made nor a product of human involvement, even if it is worshipped as an object of idol worship, it is still permitted to derive benefit from it. For example, if one bows down to a mountain in worship, it does not become forbidden as a result (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 145:1).

***Ashera* – אֲשֵׁירָה:** It is prohibited to derive benefit from a tree that was planted for the sake of idol worship, even if it was not actually worshipped (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 145:6 and *Shakh* there).

NOTES

The gentiles who worship – הַגּוֹיִם הָעוֹבְדִים: This *halakha* is not restricted to the idol worship of gentiles, as the same applies to the idol worship of anyone, including Jews. Rather, the mishna used the term gentile to parallel the language of the verses that discuss this subject (Rabbeinu Yehuda of Birina).

They are permitted – הֵן מוּתָּרִין: It is permitted to hew stones from the mountain, or to plant there (Rashi), or to pasture animals and allow them to graze there (Meiri).

But what is upon them is forbidden – וּמַה שֶּׁעֲלֵיהֶן אֲסוּרִין: Rashi explains that though whatever is upon one of these mountains is considered an object of idol worship, the physical mountains themselves cannot become objects of idol worship. A difficulty with this principle is that which the Gemara states later (46a), that one who worships mountains is liable to be punished with decapitation. Rashi explains that though the mountain he wishes to serve does not become an object of idol worship, nevertheless he is guilty of idolatrous practice because of his intentions. Rabbeinu Tam questions this explanation; how could one be liable to be executed for the worship of an entity that has no idolatrous status? Rather, the mishna here means that although the worshipped mountains are considered objects of idol worship, nevertheless a special Torah dispensation permits deriving benefit from them.

You shall not covet, etc. – לֹא תַחְמֹד וכו׳: Rashi explains that this verse is presented by the mishna as a source for the second *halakha* mentioned, that the coating of the mountain is forbidden. The first *tanna* derives the first *halakha*, that the mountain itself is permitted, from the source presented by Rabbi Yosei HaGelili thereafter: "Their gods, upon the high mountains." The Ra'avad contends that both *halakhot* can be derived from the verse presented by the first *tanna*, that what is upon the mountain is forbidden while the mountain itself is not.

I will explain and decide – אֲנִי אוֹבִין וְאָדוּן: Rashi explains that Rabbi Akiva does not disagree with Rabbi Yosei HaGelili's opinion that the mountains themselves are not objects of idol worship. Rather, Rabbi Yosei HaGelili's derivation left him with a question as to why an *ashera* itself is forbidden. Rabbi Akiva explains that this verse does not serve to explicitly teach what does or does not become an object of idol worship. Rather, it teaches the Jewish people where they may expect to find idols upon entering Eretz Yisrael. The *halakha* that the mountains themselves do not become objects of idol worship is inferred from the straightforward meaning of the verse, which does not command the Jewish people to destroy the mountains.

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HALAKHA

Coating of a mountain – צִפּוּי הַר: It is not prohibited to derive benefit from an object used for idolatry that is not a product of human involvement. But if that object was coated, the coating is forbidden. This applies even where the coating itself was not worshipped (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:7; *Shulḥan Arukh*, *Yoreh De'a* 145:2 and *Shakh* there).

גמ' וְרַבִּי יוֹסֵי הַגְּלִילִי הַיְינוּ תַּנָּא קַמָּא! אָמַר רָמִי בַּר חָמָא אָמַר רֵישׁ לָקִישׁ: צִפּוּי הַר כְּהַר אִיכָּא בֵּינַיְיהוּ, תַּנָּא קַמָּא סָבַר: צִפּוּי הַר אֵינוֹ כְּהַר וּמִיתְסַר, וְרַבִּי יוֹסֵי הַגְּלִילִי סָבַר: צִפּוּי הַר הֲרֵי הוּא כְּהַר.

GEMARA The Gemara asks: **But isn't** the opinion of **Rabbi Yosei HaGelili** the same as that of **the first *tanna*?** Both of them indicate that what is on the mountain is forbidden, while the mountain itself is permitted. **Rami bar Ḥama says** that **Reish Lakish says:** The difference **between them** is the issue of whether the status of **the coating of a mountain**[H] **is like** the status of the **mountain** itself. **The first *tanna* holds** that the status of **the coating of a mountain is not like** the **mountain**[N] itself, **and** is therefore **forbidden, and Rabbi Yosei HaGelili holds** that the status of **the coating of a mountain is like** the **mountain**[N] itself.

רַב שֵׁשֶׁת אָמַר: דִּכּוּלֵי עָלְמָא – צִפּוּי הַר אֵינוֹ כְּהַר.

Rejecting this explanation, **Rav Sheshet says: Everyone** agrees that the status of **the coating of a mountain is not like** the **mountain** itself and is forbidden.

NOTES

The coating of a mountain is not like the mountain – צִפּוּי הַר אֵינוֹ כְּהַר: The first *tanna*, who derives the *halakha* that only what is upon the mountains is forbidden from the verse that mentions "the silver or the gold that is on them," holds that the coating of the mountain is not like the mountain itself and is therefore forbidden. The Ra'avad explains that the Gemara here is referring to a gold and silver coating that was applied to the mountain as an adornment and is therefore forbidden as an adornment designated for an object of idol worship, even though the mountain itself is not forbidden. *Tosafot* claim that an adornment for the mountain cannot be worse than an offering dedicated to the mountain itself, which is not forbidden. Rather, the coating discussed here was itself worshipped as an extension of the mountain and the dispute is whether or not it shares the same exemption as the mountain itself.

The coating of a mountain is like the mountain – צִפּוּי הַר הֲרֵי הוּא כְּהַר: The coating is viewed as completely subordinate to the mountain to the point where they are seen as one. Therefore, since the mountain is not forbidden, neither is the coating. The verse mentioning "the silver or the gold that is on them" is referring specifically to independent objects like the graven images mentioned earlier in that verse (Rashi; Ra'avad). Based upon the explanation of this dispute by *Tosafot*, the Rashba explains Rabbi Yosei HaGelili's opinion to mean that since the coating is worshipped only as an extension of the mountain it cannot be any more forbidden than the mountain itself.

Perek **III**
Daf **45** Amud **b**

HALAKHA

A tree that one planted and subsequently worshipped – אִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ: It is permitted to derive benefit from an object that is not man-made or a product of human involvement, even if it was worshipped. A tree that was not originally planted for the purposes of idol worship does not become forbidden after it is worshipped. This is in accordance with the ruling of the first *tanna* as explained by Rav Sheshet. Even though the actual tree is not rendered forbidden by being worshipped, nevertheless it is prohibited to derive benefit from all twigs and leaves that subsequently sprout from the tree (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 145:1).

וְהָכָא בְּאִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ קָמִיפַּלְגִי, תַּנָּא קַמָּא סָבַר: אִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ – מוּתָּר, וְרַבִּי יוֹסֵי הַגְּלִילִי סָבַר: אִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ – אָסוּר.

And here, they disagree with regard to the status of **a tree that one planted and** only **subsequently worshipped.**[H] **The first *tanna* holds** that **a tree that one planted and subsequently worshipped** is **permitted, and Rabbi Yosei HaGelili holds** that **a tree that one planted and subsequently worshipped** is **forbidden.**

מִמַּאי? מִדְּקָתָנֵי סֵיפָא: מִפְּנֵי מָה אֲשֵׁירָה אֲסוּרָה? מִפְּנֵי שֶׁיֵּשׁ בָּהּ תְּפִיסַת יְדֵי אָדָם, וְכָל שֶׁיֵּשׁ בּוֹ תְּפִיסַת יְדֵי אָדָם – אָסוּר; "וְכָל שֶׁיֵּשׁ בּוֹ תְּפִיסַת אָדָם" לְאַתּוּיֵי מַאי? לָאו לְאַתּוּיֵי אִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ?

The Gemara asks: **From where** does Rav Sheshet infer that Rabbi Yosei HaGelili holds that such a tree is forbidden? It is **from** the fact **that** the mishna **teaches** in **the last clause: For what reason** is **an *ashera* forbidden?** It is **because it** is the product of **human involvement** and did not grow by itself, **and** the *halakha* is that **anything that** is the product of **human involvement** is **forbidden. What is added** by the generalization: **And anything that** is the product of **human involvement** is forbidden? Is it **not** added **to include** the case of **a tree that one planted and subsequently worshipped?**

וְאַף רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה סָבַר: אִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ – אָסוּר; דְּתַנְיָא: רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר, מִתּוֹךְ שֶׁנֶּאֱמַר: "אֱלֹהֵיהֶם עַל הָהָרִים" – וְלֹא הָהָרִים אֱלֹהֵיהֶם, "אֱלֹהֵיהֶם עַל הַגְּבָעוֹת" – וְלֹא גְּבָעוֹת אֱלֹהֵיהֶם, שׁוֹמֵעַ אֲנִי "תַּחַת כָּל עֵץ רַעֲנָן אֱלֹהֵיהֶם" – וְלֹא רַעֲנָן אֱלֹהֵיהֶם?

The Gemara notes: **And Rabbi Yosei, son of Rabbi Yehuda, also holds** that **a tree that one planted and subsequently worshipped** is **forbidden. As it is taught** in a *baraita* with regard to the verse: "You shall destroy all the places where the nations that you are to dispossess served their gods, upon the high mountains, and upon the hills, and under every leafy tree" (Deuteronomy 12:2): **Rabbi Yosei, son of Rabbi Yehuda, says: From that** which **is stated** in the verse: "You shall destroy… **their gods, upon the** high **mountains,**" from which the Sages derived: **But not the mountains** themselves that are **their gods,** and: "You shall destroy… **their gods… upon the hills," but not** the **hills** themselves if they are **their gods, I** would **derive** from the next clause in the verse: "**Their gods… under every leafy tree,**" that the mitzva to destroy an object of idol worship does **not** apply to the **leafy** trees themselves that are **their gods.**

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תַּלְמוּד לוֹמַר: ״וַאֲשֵׁרֵיהֶם תִּשְׂרְפוּן בָּאֵשׁ״.

Therefore, **the** next **verse states:** "And you shall break down their altars, and dash in pieces their pillars, **and burn their *asherim* with fire"** (Deuteronomy 12:3). Even a tree that was worshipped only after it was planted is forbidden.

אֶלָּא ״תַּחַת כָּל עֵץ רַעֲנָן״ לָמָּה לִי? הַהוּא לְכִדְרַבִּי עֲקִיבָא הוּא דְּאָתָא; דְּאָמַר רַבִּי עֲקִיבָא, אֲנִי אוֹבִין וְאָדוּן לְפָנֶיךָ: כָּל מָקוֹם שֶׁאַתָּה מוֹצֵא הַר גָּבוֹהַּ וְגִבְעָה נִשָּׂאָה וְעֵץ רַעֲנָן, דַּע שֶׁיֵּשׁ שָׁם עֲבוֹדָה זָרָה.

Rather, if the trees themselves are forbidden, **why do I** need the phrase **"under every leafy tree"? That** phrase **comes to** teach a *halakha* **in accordance with** the opinion **of Rabbi Akiva; as Rabbi Akiva says: I will explain and decide** the matter **before you. Everywhere that you find a high mountain, or an elevated hill, or a leafy tree, know that there is idol worship there.** From the fact that Rabbi Yosei, son of Rabbi Yehuda, does not derive from the phrase "under every leafy tree" that a tree that was planted and only subsequently worshipped is still permitted, it is apparent that he holds that such a tree is forbidden. This is consistent with the opinion that Rav Sheshet ascribes to Rabbi Yosei HaGelili.

וְרַבָּנַן, הַאי ״וַאֲשֵׁרֵיהֶם תִּשְׂרְפוּן בָּאֵשׁ״ מַאי עָבְדִי לֵיהּ? מִיבָּעֵי לֵיהּ לְאֵילָן שֶׁנִּטָּעוֹ מִתְּחִילָּה לְכָךְ.

The Gemara asks: **And** as for **the Rabbis,** who maintain that a tree that was planted and subsequently worshipped is permitted, **what do they do with this** verse: **"And burn their *asherim* with fire"?** The Gemara answers: This verse **is necessary with regard to** the *halakha* of **a tree that was initially planted for that**[H] idolatrous practice, which must be destroyed and from which deriving benefit is prohibited.

וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה נַמִּי מִיבָּעֵי לֵיהּ לְהָכִי! הָכִי נַמִּי. אֶלָּא אֵילָן שֶׁנִּטָּעוֹ וּלְבַסּוֹף עֲבָדוֹ מְנָא לֵיהּ? נָפְקָא לֵיהּ מִ״וַאֲשֵׁרֵיהֶם תְּגַדֵּעוּן״, אֵיזֶהוּ עֵץ שֶׁגִּידּוּעוֹ אָסוּר וְעִיקָּרוֹ מוּתָּר? הֱוֵי אוֹמֵר: אֵילָן שֶׁנִּטָּעוֹ וּלְבַסּוֹף עֲבָדוֹ.

The Gemara asks: **But** doesn't **Rabbi Yosei, son of Rabbi Yehuda, also require** this phrase **to** teach **this?** The Gemara answers. **Indeed,** he does. **Rather, from where does he** derive that **a tree that one planted and subsequently worshipped** is forbidden? **He derives it from** the following verse: "But so shall you deal with them: You shall break down their altars, and dash in pieces their pillars, **and hew down their *asherim,*** and burn their graven images with fire" (Deuteronomy 7:5). Now, **which is the tree whose trunk is forbidden but its root is permitted,** as the verse instructs one to hew it down? **You must say** that it is referring to **a tree that one planted and subsequently worshipped.**

וְהָא ״וַאֲשֵׁרֵיהֶם תִּשְׂרְפוּן בָּאֵשׁ״ קָא נָסֵיב לָהּ תַּלְמוּדָא!

The Gemara asks how that verse can be the source of the ruling of Rabbi Yosei, son of Rabbi Yehuda, for deeming forbidden a tree that was planted and only subsequently worshipped. **But doesn't the *baraita*** state that he **adduces** the derivation prohibiting worshipped *ashera* trees from the verse: "And you shall break down their altars, and dash in pieces their pillars, **and burn their *asherim* with fire"?**

״אִילּוּ לֹא נֶאֱמַר״ קָאָמַר: אִילּוּ לֹא נֶאֱמַר ״תִּשְׂרְפוּן בָּאֵשׁ״, הָיִיתִי אוֹמֵר: ״אֲשֵׁרֵיהֶם תְּגַדֵּעוּן״ בְּאֵילָן שֶׁנִּטָּעוֹ מִתְּחִילָּה לְכָךְ; הָשְׁתָּא דִּכְתִיב: ״וַאֲשֵׁרֵיהֶם תִּשְׂרְפוּן בָּאֵשׁ״, אִיתַּר לֵיהּ ״וַאֲשֵׁרֵיהֶם תְּגַדֵּעוּן״ לְאֵילָן שֶׁנִּטָּעוֹ וּלְבַסּוֹף עֲבָדוֹ.

The Gemara answers: By deriving this *halakha* from the verse: "And burn their *asherim* with fire," Rabbi Yosei, son of Rabbi Yehuda, **is speaking** utilizing the style of: **If it were not stated.** The Gemara explains: **If** the verse: **"Burn** their *asherim* **with fire," were not stated,**[N] **I would have said** that the verse: "And **hew down their *asherim,*"** is referring **to a tree that was initially planted for** idol worship. **Now that it is written: "And burn their *asherim* with fire,"** the verse: **"And hew down their *asherim,*" is rendered superfluous** and is consequently interpreted as referring **to a tree that one planted and subsequently worshipped.** Therefore, it is ultimately this latter verse that serves as the source for the implied ruling of Rabbi Yosei, son of Rabbi Yehuda, that it is prohibited to derive benefit from such a tree.

וְרַבָּנַן, הַאי ״וַאֲשֵׁרֵיהֶם תְּגַדֵּעוּן״ מַאי עָבְדִי לֵיהּ? לְכִדְרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, דְּאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: גִּידּוּעֵי עֲבוֹדָה זָרָה קוֹדְמִין לְכִיבּוּשׁ אֶרֶץ יִשְׂרָאֵל, כִּיבּוּשׁ אֶרֶץ יִשְׂרָאֵל קוֹדֶם לְבִיעוּר עֲבוֹדָה זָרָה.

The Gemara asks: **And** as for **the Rabbis,**[N] **what do they do with this** verse: **"And hew down their *asherim*"?** The Gemara answers: This verse is written in order **to** teach a *halakha* **in accordance with** the statement **of Rabbi Yehoshua ben Levi; as Rabbi Yehoshua ben Levi says: The felling of** trees dedicated to **idol worship precedes the conquering of** all of **Eretz Yisrael,** and **conquering Eretz Yisrael precedes the eradication of** all the objects of **idol worship.**

HALAKHA

A tree that was initially planted for that – אֵילָן שֶׁנִּטָּעוֹ מִתְּחִילָּה לְכָךְ: It is prohibited to derive benefit from any tree that was initially planted for idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 145:6).

NOTES

If…were not stated – אִילּוּ לֹא נֶאֱמַר: As explained previously, the verse: "And hew down their *asherim*," indicates that the part of the tree that was hewn is forbidden, but it is permitted to derive benefit from the remainder. The Maharam explains that therefore, were it not for the verse: "And burn their *asherim* with fire," one would have understood the verse: "And hew down their *asherim*," as teaching that even when a tree is initially planted for idol worship, only that which grows above ground is forbidden. By contrast, the Ritva states that there would have been no such interpretation. Rather, if the verse: "And burn their *asherim* with fire," were not stated, the verse: "And hew down their *asherim*," would have been the source for prohibiting the entirety of any tree planted for the purpose of idol worship.

And the Rabbis – וְרַבָּנַן: According to the Rabbis, this verse must be referring to a tree that was initially planted for the purpose of idol worship, as only in that case does it require destruction. Since the verse cannot be coming to permit the underground roots, the Gemara asks how they interpret it.

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דְּתָנֵי רַב יוֹסֵף: ״וְנִתַּצְתֶּם אֶת מִזְבְּחוֹתָם״ וְהַנַּח, ״וְשִׁבַּרְתֶּם אֶת מַצֵּבֹתָם״ וְהַנַּח.

As Rav Yosef teaches a *baraita*: The verse states: "And you shall break down their altars, and dash in pieces their pillars, and burn their *asherim* with fire." Rav Yosef explains: **"And you shall break down their altars," and leave** them,[N] as the Torah does not prescribe that they be burned; **"and dash in pieces their pillars" and leave** them.

וְהַנַּח סָלְקָא דַּעְתָּךְ? שְׂרֵיפָה בָּעֵי! אָמַר רַב הוּנָא: רְדוֹף וְאַחַר כָּךְ שְׂרוֹף.

The Gemara asks: **But does it enter your mind** that the Torah is instructing one to **leave** them alone? Doesn't an object of idol worship **require burning,** as it says at the end of the verse: "And burn their *asherim* with fire"? **Rav Huna says: Pursue** the enemy **and then** return to **burn** them. Meaning, first smash their objects of idol worship, then conquer the land, and then return to burn the smashed items.

וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה הַאי סְבָרָא מְנָא לֵיהּ? נָפְקָא לֵיהּ מֵ״אַבֵּד תְּאַבְּדוּן״, אַבֵּד וְאַחַר כָּךְ תְּאַבְּדוּן.

The Gemara asks: **And from where does Rabbi Yosei, son of Rabbi Yehuda,** derive **this opinion** about the order of priorities in the process of conquering Eretz Yisrael? The Gemara answers: **He derives it from** the verse: "You shall destroy all the places where the nations that you are to dispossess served their gods, upon the high mountains, and upon the hills, and under every leafy tree." From the double-verb form of the directive **"you shall destroy** [***abbed te'abedun***]" he derives that there are two stages to the destruction of their gods: First **destroy** them [***abbed***], i.e., smash them; then go and conquer the land, **and** only **afterward you shall destroy** [***te'abedun***] them completely, i.e., burn or eradicate them.

וְרַבָּנַן? הָא מִיבָּעֵי לֵיהּ לְעוֹקֵר עֲבוֹדָה זָרָה שָׁצָרִיךְ לְשָׁרֵשׁ אַחֲרֶיהָ.

The Gemara asks: **And** what do **the Rabbis** derive from the double verb? The Gemara answers: **This** double verb **is necessary to** teach that when one **deracinates** an object of **idol worship, he needs to root out all traces of it.**[H]

וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה, לְשָׁרֵשׁ אַחֲרֶיהָ מְנָא לֵיהּ? נָפְקָא לֵיהּ מִ״וְאִבַּדְתֶּם אֶת שְׁמָם מִן הַמָּקוֹם הַהוּא״.

The Gemara asks: **And from where does Rabbi Yosei, son of Rabbi Yehuda,** derive the obligation **to root out all traces of** idol worship? The Gemara answers: **He derives it from** the verse: "And you shall break down their altars, and dash in pieces their pillars, and burn their *asherim* with fire; and you shall hew down the graven images of their gods; **and you shall destroy their name out of that place**" (Deuteronomy 12:3).

וְרַבָּנַן? הַהוּא לְכַנּוֹת לָהּ שֵׁם; דְּתַנְיָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר: מִנַּיִן לָעוֹקֵר עֲבוֹדָה זָרָה שָׁצָּרִיךְ לְשָׁרֵשׁ אַחֲרֶיהָ? תַּלְמוּד לוֹמַר: ״וְאִבַּדְתֶּם אֶת שְׁמָם״.

The Gemara asks: **And** what do **the Rabbis** derive from this verse? The Gemara answers: **That** verse teaches that it is a mitzva **to give** a derogatory **nickname to** an idol.[H] **As it is taught** in a *baraita* that Rabbi Eliezer says: **From where** is it derived that when one **deracinates** an object of **idol worship, he needs to root out all traces of it? The verse states: "And you shall destroy their name** out of that place."

Perek **III**
Daf **46** Amud **a**

אָמַר לוֹ רַבִּי עֲקִיבָא, וַהֲלֹא כְּבָר נֶאֱמַר: ״אַבֵּד תְּאַבְּדוּן״. אִם כֵּן, מַה תַּלְמוּד לוֹמַר ״וְאִבַּדְתֶּם אֶת שְׁמָם מִן הַמָּקוֹם הַהוּא״? לְכַנּוֹת לָהּ שֵׁם.

Rabbi Akiva said to him: But isn't it already stated: "You shall destroy" (Deuteronomy 12:2)? This obviously includes rooting out all traces of idols. **If so, what** is the meaning when **the verse states: "And you shall destroy their name out of that place"?** This means that it is a mitzva **to give it a nickname.**

יָכוֹל לִשְׁבָּח? לִשְׁבָּח סָלְקָא דַּעְתָּךְ? אֶלָּא, יָכוֹל לֹא לִשְׁבָּח וְלֹא לִגְנַאי? תַּלְמוּד לוֹמַר: ״שַׁקֵּץ תְּשַׁקְּצֶנּוּ וְתַעֵב תְּתַעֲבֶנּוּ כִּי חֵרֶם הוּא״,

One **might** have thought that one may give it **a positive** nickname. The Gemara interjects: Would it **enter your mind** that one may give **a positive** nickname to an idol? **Rather,** the *baraita* means that one **might** have thought that the reference is to a nickname that is **neither positive nor negative.** Therefore, **the verse states:** "And you shall not bring an abomination into your house, and be accursed like it; **you shall detest it, and you shall abhor it; for it is a proscribed item"** (Deuteronomy 7:26). This verse clearly indicates that the nickname should be a negative one.

NOTES

And you shall break down their altars and leave them – וְנִתַּצְתֶּם אֶת מִזְבְּחוֹתָם וְהַנַּח: By contrasting this phrase to the end of the verse, which explicitly states that *ashera* trees are to be burned, it is derived that the verse is instructing one to leave the altars without burning them. Burning in this context does not necessarily mean literally destroying them through fire, as the altars mentioned in the verse cannot be destroyed through burning. What is meant is eradicating the object of idol worship using any method that will achieve the desired result.

HALAKHA

He needs to root out all traces of it, etc. – שָׁצָּרִיךְ לְשָׁרֵשׁ אַחֲרֶיהָ וכו׳: It is a positive mitzva to uproot and destroy any vestige of objects of idol worship. In Eretz Yisrael it is a mitzva to seek out objects of idol worship and cleanse the land of them. Outside of Eretz Yisrael one is not obligated to search for them, but they must be destroyed from any area conquered by the Jewish people (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:1; *Shulḥan Arukh*, *Yoreh De'a* 146:15).

To give a nickname to it – לְכַנּוֹת לָהּ שֵׁם: It is a positive mitzva to give a derogatory nickname to an object of idol worship. The Maharshal maintains that this applies only in Eretz Yisrael (*Shulḥan Arukh*, *Yoreh De'a* 146:15, and see *Shakh* and *Taz* there).

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הָא כֵּיצַד? הָיוּ קוֹרִין אוֹתָהּ בֵּית גָּלְיָא – קוֹרִין אוֹתָהּ "בֵּית כַּרְיָא", עֵין כָּל – "עֵין קוֹץ".

How so? To what type of nickname is this referring? If the idol worshippers **would call** their house of worship **the house of elevation** [***beit galya***],[N] **one should call it the house of digging** [***beit karya***]**.** If they call it **the all-seeing eye** [***ein kol***], one should call it **the eye of a thorn** [***ein kotz***]**.**

תָּנֵי תַּנָּא קַמֵּיהּ דְּרַב שֵׁשֶׁת: הַגּוֹיִם הָעוֹבְדִים אֶת הֶהָרִים וְאֶת הַגְּבָעוֹת – הֵן מוּתָּרִין וְעוֹבְדֵיהֶן בְּסַיָּיף, וְאֶת הַזֵּרָעִים וְאֶת הַיְּרָקוֹת – הֵן אֲסוּרִין וְעוֹבְדֵיהֶן בְּסַיָּיף.

The ***tanna*** who recited *mishnayot* and *baraitot* in the study hall **taught** a *baraita* **before Rav Sheshet:** With regard to the *halakha* in the case of **the gentiles who worship the mountains and the hills,** the mountains and hills **are permitted, but their worshippers** are punished with decapitation **by** the **sword. But** with regard to gentiles who worship **plants and vegetables,** the plants and vegetables **are forbidden and their worshippers** are punished with decapitation **by** the **sword.**[H]

אֲמַר לֵיהּ: דְּאָמַר לָךְ מַנִּי? רַבִּי יוֹסֵי בַּר יְהוּדָה הִיא, דְּאָמַר: אִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ – אָסוּר;

Rav Sheshet **said to him: Who is** the *tanna* **who said** this **to you? It** must be **Rabbi Yosei, son of** Rabbi **Yehuda, who says** that **a tree that one planted and subsequently worshipped is forbidden.**

וְלוֹקְמָהּ בְּאִילָן שֶׁנְּטָעוֹ מִתְּחִלָּה לְכָךְ, וְרַבָּנַן! לָא סָלְקָא דַּעְתָּךְ, דְּקָתָנֵי דּוּמְיָא דְּהַר, מָה הַר שֶׁלֹּא נִטָּעוֹ מִתְּחִלָּה לְכָךְ, אַף הָאי נַמִּי שֶׁלֹּא נִטָּעוֹ מִתְּחִלָּה לְכָךְ.

The Gemara asks: **But** why not **interpret** the *baraita* as referring **to a tree that one initially planted**[N] **for** idol worship, **and** then the ruling would be consistent with the opinion of **the Rabbis** as well? The Gemara answers: This should **not enter your mind, as** the *baraita* **teaches** the case of plants and vegetables as being **similar to** the case of **a mountain.** Therefore, one can extrapolate that **just as** with regard to **a mountain,** it is a case **where one did not initially plant it for this** purpose, as mountains are not planted by people, **so too, this** case of plants and vegetables is a case **where one did not initially plant it for this** purpose.

אִיתְּמַר: אַבְנֵי הַר שֶׁנִּתַּדַּלְדְּלוּ – בְּנֵי רַבִּי חִיָּיא וְרַבִּי יוֹחָנָן, חַד אָמַר: אֲסוּרוֹת, וְחַד אָמַר: מוּתָּרוֹת. מַאי טַעְמָא דְּמַאן דְּאָמַר מוּתָּרוֹת? כְּהַר, מָה הַר שֶׁאֵין בּוֹ תְּפִיסַת יְדֵי אָדָם וּמוּתָּר, אַף הָנֵי שֶׁאֵין בָּהֶן תְּפִיסַת יְדֵי אָדָם וּמוּתָּרִין.

§ It **was stated:** The *halakha* in a case where a gentile worships **boulders that** naturally **became dislodged from a mountain**[H] is subject to dispute between **the sons of Rabbi Ḥiyya** on the one hand **and Rabbi Yoḥanan** on the other. **One** side **says: They are forbidden, and one** side **says: They are permitted.** The Gemara asks: **What is the reason of the one who says** that **they are permitted?** The Gemara answers: The status of the dislodged stones is still **like** the status of the **mountain** itself. **Just as** in the case of **a mountain, it** is **not** the product of **human involvement, and** therefore it is **permitted** to derive benefit from it even after it is worshipped, **so too, these** boulders, **which** are **not** the product of **human involvement, are permitted.**

מַה לְּהַר שֶׁכֵּן מְחוּבָּר! בְּהֵמָה תּוֹכִיחַ.

The Gemara raises an objection: **What** is notable **about a mountain?** It is notable **in that** it is **attached** to the ground. This may be the reason for the leniency concerning it, and this does not apply to boulders. The Gemara responds: The case of a worshipped **animal can prove** that this is not relevant, as it is permitted to derive benefit from a worshipped animal even though it is not attached to the ground.

מַה לִּבְהֵמָה שֶׁכֵּן בַּעֲלַת חַיִּים! הַר יוֹכִיחַ.

The Gemara defends its objection: **What** is notable **about an animal?** It is notable **in that** it is **a living,** animate **being.**[N] This may be the reason for the leniency concerning it, and this does not apply to boulders. The Gemara responds: The case of **a mountain can prove** that this is not relevant, as it is permitted to derive benefit from a mountain that was worshipped, even though it is not a living being.

וְחָזַר הַדִּין, לֹא רְאִי זֶה כִּרְאִי זֶה וְלֹא רְאִי זֶה כִּרְאִי זֶה, הַצַּד הַשָּׁוֶה שֶׁבָּהֶן – שֶׁאֵין בָּהֶן תְּפִיסַת יְדֵי אָדָם וּמוּתָּר, אַף כָּל שֶׁאֵין בָּהֶן תְּפִיסַת יְדֵי אָדָם וּמוּתָּר.

And the inference has reverted to its starting point, and the *halakha* can be inferred from a combination of the two sources: **The aspect of this** case, that of a mountain, **is not like the aspect of that** case,[B] that of an animal, **and the aspect of that** case **is not like the aspect of this** case; **their common element is that they are not** products of **human involvement, and** it is **permitted** to derive benefit from them. **So too,** in **any** case of worshipped objects **that are not** the product of **human involvement,** including boulders, they are **permitted.**

NOTES

House of elevation [*beit galya*], etc. – בֵּית גָּלְיָא וכו': Several explanations and variant texts are given for these examples. Rashi explains that *galya* is something elevated and revealed to all, and the nickname *beit karya* is an expression of digging or excavating, indicating a low place. That explanation also appears in the *Arukh* along with others. Some explain that *beit galya* means something revealed and famous while *beit karya* means a prison. Others say *beit galya* is an expression of celebration, while *beit karya* is an expression of destruction. A variant reads *beit gadya*, meaning house of the goat, while *beit karya* can refer to a pig. Another version has: *Penei melekh*, or: The king's countenance, which is nicknamed *penei kelev*: The dog's face (Ritva; Meiri).

A tree that one initially planted – אִילָן שֶׁנְּטָעוֹ מִתְּחִלָּה: This means that its seeds were sown for the purpose of growing a tree for idol worship (Rashi; see *Bah*).

In that it is a living being – שֶׁכֵּן בַּעֲלַת חַיִּים: Therefore, it has an independent significance that is not affected by extrinsic influences. Only when a direct physical act is performed on it can its status be changed (Rashi).

HALAKHA

They are forbidden and their worshippers are punished by the sword – הֵן אֲסוּרִין וְעוֹבְדֵיהֶן בְּסַיָּיף: A gentile who practices idol worship is executed. This punishment is meted out for the worship of any idol with regard to which a Jew would be liable to receive the death penalty if he worshipped it. Even an idolatrous act that is not punishable still renders the worshipped object forbidden (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 9:2).

Boulders that became dislodged from a mountain – אַבְנֵי הַר שֶׁנִּתַּדַּלְדְּלוּ: Any object that is not man-made or the product of human involvement is not rendered forbidden upon being worshipped. Therefore, a mountain that is worshipped is not thereby rendered forbidden. The Rambam rules that the same applies to boulders that were attached to the mountain and subsequently became dislodged on their own and were worshipped there. The Ra'avad and other authorities rule that such dislodged boulders are, in fact, forbidden, as the Gemara does not reach a conclusion on the matter. Therefore, the stringent ruling should be followed, in keeping with the established principle of deciding stringently in any case of an uncertainty with regard to the status of an item forbidden by Torah law. Later commentaries explain that the Rambam's ruling is based upon the conclusion found in the Jerusalem Talmud (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:2; *Shulḥan Arukh*, *Yoreh De'a* 145:1 and *Shakh* there).

BACKGROUND

The aspect of this case is not like the aspect of that case – לֹא רְאִי זֶה כִּרְאִי זֶה: This expression is used in halakhic midrash in formulating an analogy where a principle is derived on the basis of two *halakhot* mentioned in two different verses. First, the midrash articulates the difference between the two *halakhot*. Then it mentions a characteristic common to both. Any other case with that common characteristic will then be subject to the same ruling.

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BACKGROUND

Erected an egg – זָקַף בֵּיצָה: It would appear that these acts of worship were not part of an established ritual of a specific sect of organized idolaters. Rather they would have been initiated by individuals who did not have access to proper idols. Such people would prop up any object they had and worship it.

מַה לְּהַצַּד הַשָּׁוֶה שֶׁבָּהֶן, שֶׁכֵּן לֹא נִשְׁתַּנּוּ מִבְּרִיָּתָן!

The Gemara objects: **What** is notable **about the common element between** the case of a mountain and that of an animal that prevents utilizing it as a paradigm for other cases? These worshipped objects are notable **in that they were not altered from their natural form.** Perhaps that is why their status remains unchanged. By contrast, a dislodged boulder has been moved from its original position.

אֶלָּא אָתְיָא מִבְּהֵמָה בַּעֲלַת מוּם וּמֵהַר;

Rather, the *halakha* that a boulder that is dislodged from a mountain is still permitted after it is worshipped **is derived from** the case of **a blemished animal and from** the case of **a mountain,** both of which are permitted after having been worshipped. The notable aspect of a mountain, in that it is an unaltered object and is attached to the ground, is countered by the case of a blemished animal, and the notable aspect of a blemished animal in that it is a living being is countered by the case of a mountain. Therefore, it can be derived from the common element of the two cases that just as these two are not products of human involvement and are not rendered forbidden by worship, so too, a dislodged boulder is not rendered forbidden by worship.

וְאִי נַמִי, מִבְּהֵמָה תַּמָּה וּמֵאִילָן יָבֵשׁ.

Alternatively, the *halakha* can be derived **from** the case of **an unblemished animal and from** the case of **a withered tree,** both of which are permitted after having been worshipped. The notable aspect of an unblemished animal, in that it is unaltered and a living being, is countered by the case of a withered tree, and the notable aspect of a withered tree, in that it is attached to the ground, is countered by the case of an unblemished animal.

וּמַאן דְּאָסַר? לְהָכִי כְּתִיב: ״שַׁקֵּץ תְּשַׁקְּצֶנּוּ וְתַעֵב תְּתַעֲבֶנּוּ״, דְּאַף עַל גַּב דְּאָתְיָא מִדִּינָא לְהֶיתֵּרָא, לָא תַּתְיָא.

The Gemara asks: **And** what is the reasoning of **the one who deems** worshipped boulders **forbidden?** The Gemara answers: According to that opinion, it is in order **to** teach **this** *halakha*: **It is written:** "And you shall not bring an abomination into your house, and be accursed like it; **you shall detest it, and you shall abhor it;** for it is a proscribed item" (Deuteronomy 7:26). This verse teaches **that although** one may theoretically **derive, by logical inference, to permit** the boulders, **do not derive** that *halakha*.

תִּסְתַּיֵּים דִּבְנֵי רַבִּי חִיָּיא דְּשָׁרוּ, דְּבָעֵי חִזְקִיָּה: זָקַף בֵּיצָה לְהִשְׁתַּחֲוֹוֹת לָהּ, מַהוּ?

The Gemara introduced the case of a boulder that naturally dislodged from a mountain as the subject of a dispute between the sons of Rabbi Ḥiyya and Rabbi Yoḥanan, but it did not specify who subscribes to which opinion. The Gemara suggests: **It may be concluded that it is the sons of Rabbi Ḥiyya who deem** it **permitted, as Ḥizkiyya,** Rabbi Ḥiyya's son, **raises a dilemma:** If one **erected an egg**[B] in order **to bow to it** as an idol, **what is** the *halakha*? Is it then prohibited to derive benefit from the egg?

קָא סָלְקָא דַּעְתָּךְ: לְהִשְׁתַּחֲוֹוֹת לָהּ וְהִשְׁתַּחֲוָה לָהּ, וְקָא מִיבָּעֲיָא לֵיהּ הַאי זְקִיפָתָהּ אִי הָוֵי מַעֲשֶׂה אִי לָא הָוֵי מַעֲשֶׂה, אֲבָל לֹא זָקַף – לָא מִיתַּסְרָא; שְׁמַע מִינָּהּ: בְּנֵי רַבִּי חִיָּיא דְּשָׁרוּ.

The Gemara explains the proof: **It enters your mind** that this dilemma is referring to a case where one erected an egg in order **to bow to it, and he** then **bowed to it. And he raises a dilemma** as to **whether this erecting** of the egg **is** considered a significant **act** of human involvement that renders the egg forbidden as an object of idol worship, or **whether** it **is not** considered a significant **act** of human involvement. **But** if he had **not erected** the egg, there would be no dilemma, as clearly it would **not become forbidden.** Accordingly, one can **conclude from** this dilemma that **the sons of Rabbi Ḥiyya** are the ones **who deem** the boulder **permitted,** since it is not a product of human involvement.

לָא, לְעוֹלָם אֵימָא לָךְ: בְּנֵי רַבִּי חִיָּיא דְּאָסְרִי, דְּהִשְׁתַּחֲוָה לָהּ אַף עַל גַּב דְּלָא זְקָפָהּ אֲסוּרָה. וְהָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁזָּקַף בֵּיצָה לְהִשְׁתַּחֲוֹוֹת לָהּ וְלֹא הִשְׁתַּחֲוָה לָהּ.

The Gemara rejects this proof: **No, actually I will say to you** that perhaps it is **the sons of Rabbi Ḥiyya who deem** the dislodged boulder **forbidden** after it was worshipped, and they similarly hold **that** in this case of the egg, if **he bowed to it, even if did not erect it,** the egg is certainly **forbidden. And** the dilemma is as follows: **Here we are dealing with** a case **where he erected** the **egg** in order **to bow to it, but he** ultimately **did not bow to it.** Ḥizkiyya's dilemma was whether designation of an object as an idol renders it forbidden even without actual worship.

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וּלְמַאן? אִי לְמַאן דְּאָמַר: עֲבוֹדָה זָרָה שֶׁל יִשְׂרָאֵל אֲסוּרָה מִיָּד – אֲסוּרָה, אִי לְמַאן דְּאָמַר: עַד שֶׁתִּיעָבֵד – הָא לָא פְּלַחָהּ!

The Gemara asks: **But according to whom** does he raise the dilemma? **If it is according to the one who says** that any object **of a Jew** who dedicated it to **idol worship is immediately** rendered **forbidden,** there is no place for the dilemma; the egg is clearly **forbidden. If it is according to the one who says** that an object of idol worship is not forbidden **until it is** actually **worshipped,** there is also no place for the dilemma, as the egg was **not worshipped,** and is therefore permitted.

לָא צְרִיכָא, כְּגוֹן שֶׁזָּקַף בֵּיצָה לְהִשְׁתַּחֲוֹוֹת לָהּ וְלֹא הִשְׁתַּחֲוָה לָהּ, וּבָא גּוֹי וְהִשְׁתַּחֲוָה לָהּ;

The Gemara answers by reformulating the case: **No,** those are not the cases with regard to which the dilemma is raised. It is **necessary** to raise it with regard to a case **where** one **erected an egg** in order **to bow to it, but** ultimately **he did not bow to it, and** then **a gentile came** along **and bowed to it.** It is with regard to this case that Ḥizkiyya raises the dilemma.

כִּי הָא דְּאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: יִשְׂרָאֵל שֶׁזָּקַף לְבֵינָה לְהִשְׁתַּחֲוֹוֹת לָהּ, וּבָא גּוֹי וְהִשְׁתַּחֲוָה לָהּ – אֲסוּרָה; וְקָא מִיבָּעְיָא לֵיהּ: לְבֵינָה הוּא דְּמִינְכְּרָא וְקִיפָּתָה, אֲבָל בֵּיצָה לָא, אוֹ דִּילְמָא לָא שְׁנָא? תֵּיקוּ.

There is an established principle that one cannot render forbidden an item that is not his. In this case, the egg can be rendered forbidden only by a combination of the Jewish owner's indicated intention and the gentile's act of worship. This dilemma assumes **that which Rav Yehuda says** that **Shmuel says:** In the case of **a Jew who erected a brick**[H] in order **to bow to it, and a gentile came and bowed to it,** it is **forbidden. And** Ḥizkiyya **raises the** following **dilemma** with regard to the case of an egg: **Is it** specifically **a brick** that is forbidden, **as its being erect is** clearly **recognizable** and is therefore a clear indication of intent on behalf of the Jewish owner, **but** as for **an egg,** erecting it is **not** enough of an indication, and it is therefore permitted? **Or perhaps** there **is no difference,** and the egg would similarly be forbidden. The Gemara concludes: The question **shall stand** unresolved.

בָּעֵי רָמֵי בַּר חָמָא: הַמִּשְׁתַּחֲוֶה לְהַר, אֲבָנָיו מַהוּ לְמִזְבֵּחַ?

§ **Rami bar Ḥama raises a dilemma:** In the case of **one who bows down to a mountain, what is** the *halakha* with regard to the permissibility of using **its stones for** building **the altar** in the Temple?

HALAKHA

A Jew who erected a brick, etc. – יִשְׂרָאֵל שֶׁזָּקַף לְבֵינָה וכו׳: If a Jew erected his brick in order to bow to it and then he did not bow to it, but instead a gentile came along and bowed to it, it is then prohibited to derive benefit from it. The Jew's act of placing it upright is viewed as a clear statement of intent to render it an object of idol worship. The *halakha* is the same with regard to an egg that is erected by its Jewish owner and then worshipped by a gentile. Since the dilemma in the Gemara remains unresolved, the authorities rule stringently, in keeping with the established principle with regard to any case of uncertainty about the status of an item forbidden by Torah law (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 139:1 in the comment of Rema).

Perek **III**
Daf **46** Amud **b**

יֵשׁ נֶעֱבָד בְּמְחוּבָּר אֵצֶל גָּבוֹהַּ, אוֹ אֵין נֶעֱבָד בְּמְחוּבָּר אֵצֶל גָּבוֹהַּ?

The Gemara explains the dilemma: An animal that was worshipped is rendered unfit to be sacrificed as an offering in the Temple. The Gemara previously established a principle that objects attached to the ground are not rendered forbidden by idol worship. The question here is this: **With regard to** an item that is **attached** to the ground and that **was worshipped, is it** rendered unfit **for** the **Most High,**[H] i.e., for the Temple, just like an animal? **Or** is the *halakha* that **with regard to** an item that is **attached** to the ground and that **was worshipped, it is not** rendered unfit **for** the **Most High,** just as it is not forbidden with regard to an individual's deriving benefit from it?

אִם תִּמְצֵי לוֹמַר יֵשׁ נֶעֱבָד בְּמְחוּבָּר אֵצֶל גָּבוֹהַּ, מַכְשִׁירֵי קָרְבָּן כְּקָרְבָּן דָּמוּ אוֹ לָא?

Furthermore, **if you say** that **with regard to** an item that is **attached** to the ground and that **was worshipped, it is** rendered unfit **for** the **Most High,** are the items that merely **facilitate** the sacrifice of **an offering,** such as the altar, viewed the same way **as an offering** itself, **or not?** Perhaps the principle that items worshipped in idolatrous practice are disqualified for use in the Temple applies only to offerings, and not to the items used to facilitate the bringing of offerings.

HALAKHA

Attached and was worshipped, is it unfit for the Most High – נֶעֱבָד בְּמְחוּבָּר אֵצֶל גָּבוֹהַּ: Although it is permitted to derive benefit from a mountain that was the object of idol worship, nevertheless it is prohibited to use its stones in constructing the Temple altar (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:7).

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אָמַר רָבָא: קַל וָחוֹמֶר, וּמָה אֶתְנַן שֶׁמּוּתָּר בְּהֶתְלוּשׁ לְהֶדְיוֹט – אָסוּר בִּמְחוּבָּר לְגָבוֹהַּ, דִּכְתִיב: ״לֹא תָבִיא אֶתְנַן זוֹנָה וּמְחִיר כֶּלֶב״, לָא שְׁנָא הֶתְלוּשׁ וְלָא שְׁנָא בִּמְחוּבָּר; נֶעֱבַד שֶׁאָסוּר בְּהֶתְלוּשׁ לְהֶדְיוֹט – אֵינוֹ דִּין שֶׁאָסוּר בִּמְחוּבָּר לְגָבוֹהַּ?

Rava says: The dilemma can be resolved with **an *a fortiori*** inference. The Torah prohibits the sacrifice of an animal as an offering or a donation to the Temple if it was given in payment to a prostitute or exchanged in the sale of a dog. **And if** it is so that concerning deriving benefit from an item that served as **payment**[H] to a prostitute, **which is permitted to an ordinary** person even **in** a case where the item is **detached** from the ground, nevertheless, such an item is **forbidden** to use **for** the **Most High** even **in** a case where it is **attached** to the ground, **as it is written: "You shall not bring the payment to a prostitute**[N] **or the price of a dog** into the House of the Lord your God for any vow" (Deuteronomy 23:19), where there **is no difference whether** the payment is **unattached** to the ground **and** there **is no difference whether it is attached;** concerning an object **worshipped** in idolatrous practice, **which** is rendered **forbidden in** a case where it is **detached** even **for** the use of **an ordinary** person, **is it not logical that** it should be **prohibited** to use it **for** the **Most High** even **in** the case of an object **attached** to the ground?

אָמַר לֵיהּ רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ לְרָבָא: אוֹ חִילּוּף, וּמַה נֶּעֱבַד שֶׁאָסוּר בְּהֶתְלוּשׁ אֵצֶל הֶדְיוֹט – מוּתָּר בִּמְחוּבָּר לְגָבוֹהַּ, שֶׁנֶּאֱמַר: ״אֱלֹהֵיהֶם עַל הֶהָרִים״ וְלֹא הֶהָרִים אֱלֹהֵיהֶם, לָא שְׁנָא לְהֶדְיוֹט וְלָא שְׁנָא לְגָבוֹהַּ; אֶתְנַן שֶׁמּוּתָּר בְּהֶתְלוּשׁ לְהֶדְיוֹט – אֵינוֹ דִּין שֶׁמּוּתָּר בִּמְחוּבָּר לְגָבוֹהַּ?

Rav Huna, son of Rav Yehoshua, said to Rava: Or one can **reverse**[N] the claim. **And if** an object that **was worshipped, which is forbidden in** a case where it is **detached** from the ground even **for** the use of **an ordinary** person, is yet **permitted** for use even **for** the **Most High in** a case where it is **attached** to the ground, **as it is stated** that the mitzva is to destroy: "**Their gods, upon the** high **mountains**" (Deuteronomy 12:2), **but not the mountains** themselves that are **their gods,** and therefore with regard to such items, there **is no difference** between use **for an ordinary** person **and for** the **Most High;** concerning **payment** to a prostitute, **which is permitted** for use **for an ordinary** person **in** the case of **a detached** item, **is it not logical that** it should be **permitted** to use **for** the **Most High in** a case where the payment is an item **attached** to the ground?

וְאִי מְשׁוּם ״בֵּית ה׳ אֱלֹהֶיךָ״ – מִיבָּעֵי לֵיהּ לְכִדְתַנְיָא: ״בֵּית ה׳ אֱלֹהֶיךָ״ – פָּרָט לְפָרָה שֶׁאֵינָהּ בָּאָה לַבַּיִת, דִּבְרֵי רַבִּי אֱלִיעֶזֶר, וַחֲכָמִים אוֹמְרִים: לַרַבּוֹת אֶת הָרִיקּוּעִים!

Rav Huna, son of Rav Yehoshua, continues: **And if** one would say that it should still be prohibited to use it in the Temple **due to** that which the verse states: "You shall not bring the payment to a prostitute, or the price of a dog, into **the House of the Lord**[N] **your God,**" which indicates a blanket prohibition, this verse is already **necessary to** teach another *halakha*, namely, **that which is taught** in a *baraita*: The phrase "into **the House of the Lord your God" excludes** its use as a red **heifer,**[B] **which is not brought to the Temple,** rather it is sacrificed outside the city on the Mount of Olives; this is **the statement of Rabbi Eliezer. And the Rabbis say:** It is stated **to include the** prohibition against hanging in the Temple **beaten plates**[H] of gold that were used in the payment of a prostitute. Even though they are not used in the Temple service, it is prohibited to hang them up.

אָמַר לֵיהּ: אֲנָא קָאָמִינָא לְחוּמְרָא וְאַתְּ אָמַרְתְּ לְקוּלָּא, קוּלָּא וְחוּמְרָא – לְחוּמְרָא פָּרְכִינַן.

Rava **said to** Rav Huna, son of Rav Yehoshua: **I am stating** an *a fortiori* inference that leads **to a stringency, and you are stating** an opposite *a fortiori* inference that leads **to a leniency.** And the principle is that whenever there is the option to employ an *a fortiori* inference that leads to **a leniency or** one that leads to **a stringency, we infer the stringency.**

אָמַר לֵיהּ רַב פַּפָּא לְרָבָא: וְכָל הֵיכָא דְּאִיכָּא קוּלָּא וְחוּמְרָא, לְקוּלָּא לָא פָּרְכִינַן? וְהָא הַזָּאָה דְּפֶסַח דִּפְלִיגִי רַבִּי אֱלִיעֶזֶר וְרַבִּי עֲקִיבָא, דְּרַבִּי אֱלִיעֶזֶר סָבַר לְחוּמְרָא וְקָא מְחַיֵּיב לֵיהּ לְגַבְרָא, וְרַבִּי עֲקִיבָא לְקוּלָּא וּפָטַר, וְקָא פָּרֵיךְ רַבִּי עֲקִיבָא לְקוּלָּא!

Rav Pappa said to Rava: And is it so that **anywhere that there is** an option to employ an *a fortiori* inference to infer **a leniency or a stringency, we do not infer the leniency? But isn't there** the case of **sprinkling** the purifying water of a red heifer upon one who has contracted ritual impurity through contact with a corpse, in order to thereby obligate him in the sacrificing and eating **of** the **Paschal offering?**[N] **As Rabbi Eliezer and Rabbi Akiva disagree** with regard to whether it is permitted to do this on Shabbat, each of them employing an *a fortiori* inference to support his opinion. **As Rabbi Eliezer holds** that **a stringency** should be inferred **and he** thereby **deems the man obligated** to purify himself and bring a Paschal offering, even if he can purify himself only on Shabbat, **and Rabbi Akiva** infers **a leniency and exempts** him from the obligation to bring the offering. **And** clearly, contrary to Rava's claim, **Rabbi Akiva infers a leniency.**

HALAKHA

Payment – אֶתְנַן: It is prohibited to use in the Temple any item that was given in exchange for intercourse with a prostitute (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:9).

To include the beaten plates – לְרַבּוֹת אֶת הָרִיקּוּעִים: In the Temple it is prohibited to use gold plates that were beaten out of items used as payment to prostitutes (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:18).

NOTES

As it is written, You shall not bring the payment to a prostitute – דִּכְתִיב לֹא תָבִיא אֶתְנַן זוֹנָה: Though the Gemara cites only the first clause of the verse, it seems that Rava is referring to the entire verse, including the words "the House of the Lord." With this in mind, both questions posed by Rami bar Ḥama are addressed. The unspecified "payment to a prostitute" indicates that there is no difference between an item that is attached to the ground and one that is detached; it is prohibited to use both in the Temple. And from the general reference to "the House of the Lord" it would seem that this applies to anything that facilitates an offering, e.g., the altar, and not just to the offering itself.

Or reverse – אוֹ חִילּוּף: The verse concerning the payment to a prostitute does not specify that the prohibition extends even to a payment that is attached to the ground. Furthermore, the verse permitting deriving benefit from a worshipped object that is attached to the ground does not specify that it may be used for non-sacred purposes but not for Temple purposes. Therefore, Rava's assumptions can be reversed and an opposite *a fortiori* inference can be employed, resulting in permitting the use of the payment given to a prostitute as long as that payment had been attached to the ground.

If due to the House of the Lord – אִי מְשׁוּם בֵּית ה׳: One may interpret this as prohibiting even a payment attached to the ground just like "the House of the Lord," which is attached to the ground (Rashi).

Sprinkling of the Paschal offering – הַזָּאָה דְּפֶסַח: When one contracts ritual impurity through contact with a corpse, he requires a purification process where, on the seventh day, he is sprinkled with the purifying water of a red heifer. If this seventh day falls out on a Shabbat that is also the day before Passover, Rabbi Eliezer maintains that even though it is prohibited by rabbinic decree to do the act of sprinkling on Shabbat, it is permitted in this case in order to allow the individual to participate in the eating of the Paschal offering, which must be done only in a state of purity. This is considered a stringency because through this ruling, the individual becomes obligated to bring this offering, and failure to do so is punishable by excision from the World-to-Come [*karet*].

BACKGROUND

Red heifer – פָּרָה אֲדוּמָּה: To eliminate the ritual impurity imparted by a human corpse, purification is achieved by means of water mixed with the ashes of a red heifer (see Numbers, chapter 19). All of the hairs of this heifer must be entirely red; even one black hair disqualifies it. Similarly, it may not have any blemishes, nor may it have been used for any labor. The red heifer was slaughtered outside Jerusalem, on the Mount of Olives, and its blood was sprinkled seven times opposite the entrance of the Temple. Its body was then burned on a special pyre to which cedarwood, hyssop, and crimson wool were added. The ashes from this pyre were then gathered and used for the purification ritual. All the priests involved in the offering of the red heifer became ritually impure until the evening. The red heifer can be burned by any priest, but it was customarily burned by the High Priest.

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דְּתָנַן, הֵשִׁיב רַבִּי עֲקִיבָא: אוֹ חִילּוּף, וּמָה הָנָּאָה שֶׁהִיא מִשּׁוּם שַׁבָּת – אֵינָהּ דּוֹחָה הַשַּׁבָּת, שְׁחִיטָה שֶׁהִיא דְּאוֹרַיְיתָא לֹא כָּל שֶׁכֵּן?

This is **as we learned** in a mishna (see *Pesaḥim* 65b) that Rabbi Eliezer reasoned: If slaughter, which is generally prohibited on Shabbat by Torah law, is permitted for the sake of sacrificing the Paschal offering, all the more so is it not clear that sprinkling the purifying water of a red heifer, which is prohibited on Shabbat merely due to a rabbinic decree, should override Shabbat? **Rabbi Akiva replied: Or** one can **reverse** the claim. **And if sprinkling** the purifying water on Shabbat, **which is** prohibited merely **due to rabbinic decree, does not override Shabbat,** then with regard to **slaughter, which is** prohibited **by Torah law, all the more so** is it **not** clear that it should not override Shabbat? Contrary to Rava's claim, Rabbi Akiva clearly infers a leniency instead of the stringency inferred by Rabbi Eliezer.

הָתָם רַבִּי אֱלִיעֶזֶר גְּמָרֵיהּ וְאַיְיקַר לֵיהּ תַּלְמוּדָא, וַאֲתָא רַבִּי עֲקִיבָא לְאַדְכּוֹרֵיהּ. וְהַיְינוּ דַּאֲמַר לֵיהּ: רַבִּי, אַל תַּכְפִּירֵנִי בִּשְׁעַת הַדִּין, כָּךְ מְקוּבָּל אֲנִי מִמְּךָ: הָנָּאָה שְׁבוּת, וְאֵינָהּ דּוֹחָה אֶת הַשַּׁבָּת.

The Gemara answers: **There,** Rabbi Akiva does not employ a real *a fortiori* inference. **Rabbi Eliezer** himself **taught him** this *halakha*, which he knew as a tradition, **but he had forgotten his** own **learning**[N] **and Rabbi Akiva came to remind him** of it by drawing an *a fortiori* inference that would cause Rabbi Eliezer to remember that which he himself had taught. The Gemara offers a support for this interpretation from the continuation of that discussion, which is recorded in a *baraita*: **And this is** what Rabbi Akiva **said to him: My teacher, do not deny my** contention **at the time of judgement,** i.e., during deliberation of this matter, as **this** is the tradition **I received from you: Sprinkling is** prohibited by **rabbinic decree and does not override Shabbat.**[H]

בָּעֵי רָמִי בַּר חָמָא: הַמִּשְׁתַּחֲוֶה לְקָמַת חִטִּים, מַהוּ לְמִנָּחוֹת? יֵשׁ שִׁינּוּי בְּנֶעֱבָד, אוֹ אֵין שִׁינּוּי בְּנֶעֱבָד?

§ **Rami bar Ḥama raises a dilemma:** In the case of **one who bows to a stalk of wheat,**[HN] **what is** the *halakha* with regard to using it **for meal-offerings?** Does the wheat lose its forbidden status after it is ground into flour, or not? **Does a change in** the form of **a worshipped** object revoke its forbidden status, **or does a change in** the form of **a worshipped** object **not** revoke its forbidden status?

אֲמַר מָר זוּטְרָא בְּרֵיהּ דְּרַב נַחְמָן, תָּא שְׁמַע: כָּל הָאֲסוּרִין לְגַבֵּי מִזְבֵּחַ – וְלָדוֹתֵיהֶן מוּתָּרִים; וְתָנֵי עֲלָהּ: רַבִּי אֱלִיעֶזֶר אוֹסֵר.

Mar Zutra, son of Rav Naḥman, said: Come and **hear** a resolution from that which is taught in a mishna (*Temura* 30b): The principle is that concerning **all** items **that are forbidden with regard to** sacrificing them the **altar, their offspring,** i.e., whatever products are derived from them, **are permitted.**[H] **And it is taught with regard to** this mishna: **Rabbi Eliezer deems** the offspring **forbidden.**

וְלָאו אִיתְּמַר עֲלָהּ, אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ: מַחֲלוֹקֶת – כְּשֶׁנִּרְבְּעוּ וּלְבַסּוֹף עִיבְּרוּ,

The Gemara asks: **But wasn't it stated with regard to** this dispute that **Rav Naḥman says** that **Rabba bar Avuh says:** The **dispute** is with regard to a case **where** it became prohibited to use the animals as offerings because a person **engaged in bestiality** with them **and later they became pregnant.**[N]

HALAKHA

Sprinkling is by rabbinic decree and does not override Shabbat – הָנָּאָה שְׁבוּת וְאֵינָהּ דּוֹחָה אֶת הַשַּׁבָּת: When the seventh day of purification of one who is ritually impure through contact with a corpse occurs on Shabbat, sprinkling water of purification upon him is prohibited by rabbinic decree. This is true even if it will result in his not being obligated to bring the Paschal offering due to his impurity (Rambam *Sefer Korbanot*, *Hilkhot Korban Pesaḥ* 6:6).

One who bows to a stalk of wheat – הַמִּשְׁתַּחֲוֶה לְקָמַת חִטִּים: Flour that came from a stalk of wheat that was worshipped as part of idol worship is nevertheless permitted for use as part of a meal-offering. This is because the wheat was ground and changed into flour, and since it has a new form it is permitted (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 3:14).

Forbidden with regard to the altar, their offspring are permitted – אֲסוּרִין לְגַבֵּי מִזְבֵּחַ וְלָדוֹתֵיהֶן מוּתָּרִים: It is generally permitted to sacrifice, on the Temple altar, the offspring of an animal that it is prohibited to sacrifice. The exception to this principle is when the act that caused the mother to become forbidden, namely, bestiality, being worshipped or set aside for idolatry, or killing a person, occurred while it was pregnant with the offspring in question. This is in accordance with the opinion of Rav Naḥman (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 3:12).

NOTES

Rabbi Eliezer taught him but he had forgotten his own learning – רַבִּי אֱלִיעֶזֶר גְּמָרֵיהּ וְאַיְיקַר לֵיהּ תַּלְמוּדָא: Rabbi Akiva never intended to employ an *a fortiori* inference to infer a leniency. Furthermore, he certainly did not mean that the slaughter of an offering is prohibited on Shabbat. Rather, he was trying to respectfully hint to Rabbi Eliezer and remind him of his own ruling that sprinkling is prohibited on Shabbat.

One who bows to a stalk of wheat – הַמִּשְׁתַּחֲוֶה לְקָמַת חִטִּים: According to Rashi, Rami bar Ḥama's question here is about stalks of grain that are rooted in the ground, and it follows on from his earlier dilemma of whether or not an item attached to the ground is rendered forbidden and unfit for Temple service due to being worshipped. His dilemma is: If one were to say that it is indeed forbidden, would that status change if the object's form is altered? Rashi cites and rejects a variant version of the text that also appears in Rabbeinu Ḥananel's commentary. According to that version, the dilemma is an independent one concerning cut wheat that was worshipped and then ground into flour. The Rid accepts that version of the text.

The dispute is where a person engaged in bestiality with them and later they became pregnant – מַחֲלוֹקֶת כְּשֶׁנִּרְבְּעוּ וּלְבַסּוֹף עִיבְּרוּ: If a female animal was worshipped or one engaged in bestiality with it before it became pregnant, the dispute is a general one with regard to the ruling in a case where an item is the result of both permitted and prohibited causes. In this case, the offspring is the product of both a prohibited item, the female animal, and a permitted one, the male animal. In a case where the female animal was already pregnant at the time of the worship or act of bestiality, all agree that birth will not cause the fetus, which became forbidden while inside its mother, to become permitted (see Ra'avad and Rabbeinu Yeḥiel of Paris).

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NOTES

There are those who say – אִיכָּא דְּאָמְרִי: Rashi explains that in this second version, it is Mar Zutra himself, and not the Gemara, who cites the statement of Rav Naḥman as a solution to his query. Rabbeinu Ḥananel's text had only this second version.

What is its *lulav* for the mitzva – לוּלָבוֹ מַהוּ לְמִצְוָה: Rabbeinu Ḥananel explains that this dilemma is predicated upon the previous discussion. Even if one says that although a worshipped item that is attached to the ground remains permitted for use for ordinary purposes, it is nevertheless rendered unfit for use in the Temple, to what is using it for a mitzva compared? Is it considered like an ordinary purpose or is it more like use in the Temple? This explanation is mentioned explicitly in the Jerusalem Talmud in tractate *Bikkurim*.

Harvesting *lulavim* from a palm tree

אֲבָל עִיבְּרוּ וּלְבַסּוֹף נִרְבְּעוּ – דִּבְרֵי הַכֹּל אֲסוּרִין; וְהָכָא נַמִּי כְּעִיבְּרוּ וּלְבַסּוֹף נִרְבְּעוּ דָּמֵי.

But if **they became pregnant and later** a person **engaged in bestiality** with them, **all agree** that the offspring **are forbidden** because the offspring were involved in the act of bestiality, albeit in their fetal state. **And here too,** the case of the wheat is **similar to** the case where **they became pregnant and later** a person **engaged in bestiality** with them, because the flour was also worshipped, albeit in the form of a stalk of wheat.

אִיכָּא דְּאָמְרִי: מַחֲלוֹקֶת – כְּשֶׁנִּרְבְּעוּ וּלְבַסּוֹף עִיבְּרוּ, אֲבָל עִיבְּרוּ וּלְבַסּוֹף נִרְבְּעוּ – דִּבְרֵי הַכֹּל אֲסוּר; וְהָנֵי נַמִּי כִּי עִיבְּרוּ וּלְבַסּוֹף נִרְבְּעוּ דָּמֵי.

There are those **who say**[N] that Mar Zutra himself quoted Rav Naḥman's statement: The **dispute** is with regard to a case **where** it became prohibited to use the animals as offerings because a person **engaged in bestiality** with them **and later they became pregnant. But** if **they became pregnant and later** a person **engaged in bestiality** with them, **all agree** that the offspring **are forbidden. And these** stalks of wheat, **as well,** are **similar to** the case where **they became pregnant and later** a person **engaged in bestiality** with them.

הָכִי הָשְׁתָּא? הָתָם מֵעִיקָּרָא בְּהֵמָה וְהָשְׁתָּא בְּהֵמָה, דְּשָׁא הוּא דַּאֲחִיזָא בְּאַנְפָּהּ, הָכָא מֵעִיקָּרָא חִטֵּי וְהָשְׁתָּא קְמָחָא.

The Gemara asks: **How can** these cases **be compared? There,** in the case of offspring that it is prohibited to bring as an offering, it was **initially an animal,** in its fetal state, **and now** it is still **an animal.** A fetus is treated as a full-fledged animal, and the opening of the womb is compared to a closed **door that holds** it **in its place. Here,** in the case of the flour, it was **initially wheat and now** it is **flour;**[H] it is in a totally new form. Therefore, no proof can be derived from the mishna.

בָּעֵי רֵישׁ לָקִישׁ: הַמִּשְׁתַּחֲוֶה לְדֶקֶל, לוּלָבוֹ מַהוּ לְמִצְוָה?

§ **Reish Lakish raises a dilemma:** In the case of **one who bows to a palm tree, what is** the *halakha* with regard to **its *lulav*?**[H] Is it permitted to use a *lulav* cut from it **for the mitzva**[N] or not?

בְּאִילָן שֶׁנִּטְּעוּ מִתְּחִלָּה לְכָךְ לָא תִּיבָּעֵי לָךְ, דַּאֲפִילּוּ לְהֶדְיוֹט נַמִּי אָסוּר, כִּי תִּיבָּעֵי לָךְ – בְּאִילָן שֶׁנִּטְּעוּ וּלְבַסּוֹף עֲבָדוּ;

The Gemara narrows down the dilemma: **With regard to a tree that one initially planted for such** an idolatrous purpose, **do not raise the dilemma.** In that case the *halakha* is clear, **as it is prohibited** to use it **even for an ordinary,** non-mitzva, purpose. Rather, **raise the dilemma with regard to a tree that one planted and subsequently worshipped.**

וְאַלִּיבָּא דְּרַבִּי יוֹסֵי בַּר יְהוּדָה לָא תִּיבָּעֵי לָךְ, דַּאֲפִילּוּ לְהֶדְיוֹט נַמִּי אָסוּר, כִּי תִּיבָּעֵי לָךְ – אַלִּיבָּא דְּרַבָּנַן, לְעִנְיַן מִצְוָה מַאי? מִי מְאִיס כִּלְפֵי גָּבוֹהַּ אוֹ לָא?

And do not raise the dilemma according to the opinion **of Rabbi Yosei bar Yehuda,** who holds **that even for an ordinary** purpose **it is forbidden** (see 45b). Rather, **when should you raise the dilemma?** Raise it **according to** the opinion **of the Rabbis,** who hold that such a tree does not become forbidden: **What** is the *halakha* **with regard to** using a *lulav* from such a worshipped tree for **a mitzva? Is it** nevertheless forbidden because it is considered **repulsive** to use such a *lulav* **for** the **Most High,** i.e., for a mitzva, **or not?**

HALAKHA

Initially wheat and now flour – מַעִיקָּרָא חִטֵּי וְהָשְׁתָּא קְמָחָא: Even if a person had bowed down to a stalk of wheat in idol worship, it is still permitted to bring flour ground from it as a meal-offering because its form has changed (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 3:14).

One who bows to a palm tree…its *lulav* – הַמִּשְׁתַּחֲוֶה לְדֶקֶל לוּלָבוֹ: If a palm tree was owned by a Jew who planted it for the purposes of idol worship, its branch is disqualified for use as a *lulav*. If the tree belonged to a gentile, the branch may not be used *ab initio* because it is distasteful to use such an item for a mitzva. According to *Tosafot* and their understanding of Reish Lakish's dilemma, this stringency applies even with regard to a tree whose status as an object of idol worship was revoked (Rambam *Sefer Zemanim*, *Hilkhot Shofar VeSukka VeLulav* 8:1).

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כִּי אֲתָא רַב דִּימִי אֲמַר: בַּאֲשֵׁירָה שֶׁבִּיטְּלָהּ קָמְבָּעֵיָא לֵיהּ, יֵשׁ דִּחוּי אֵצֶל מִצְוֹת אוֹ אֵין דִּחוּי אֵצֶל מִצְוֹת?

When Rav Dimi came from Eretz Yisrael to Babylonia, he presented a different understanding of Reish Lakish's dilemma. **He said:** Reish Lakish **raises the dilemma with regard to an *ashera*** whose status as an object of idol worship **was revoked.** His dilemma is as follows: **Is there disqualification with regard to mitzvot or is there no disqualification with regard to mitzvot?** This *lulav* was once unfit for the mitzva, since it was worshipped while attached to the tree. Is it permanently disqualified, i.e., can it never be rendered fit? Or is the *halakha* that there is no permanent disqualification with regard to mitzvot, and consequently when the tree's status as an object of idol worship was revoked, the *lulav* became fit for the mitzva?

תִּפְשׁוֹט לֵיהּ מִדְּתָנַן: כִּיסָּהוּ וְנִתְגַּלָּה – פָּטוּר מִלְּכַסּוֹת, כִּיסָּהוּ הָרוּחַ – חַיָּיב לְכַסּוֹת; וְאָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא שֶׁחָזַר וְנִתְגַּלָּה, אֲבָל לֹא חָזַר וְנִתְגַּלָּה – פָּטוּר מִלְּכַסּוֹת;

The Gemara suggests: **Resolve** the dilemma **from that which we learned** in a mishna (*Ḥullin* 37a): With regard to one who slaughtered an undomesticated animal or a bird and is obligated to cover the blood, if **he covered**[B] the blood **and it was** then **uncovered**[H] he is **exempt from** the obligation **to cover** it a second time. But if **the wind** blew dust and **covered** the blood and no person was involved, he is **obligated to cover** it. **And Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** The mishna **taught** that one is obligated to cover the blood after the wind covered it **only** in a case **where** the blood **was then exposed. But** if **it was not then exposed, he is exempt from** the obligation **to cover** it.

וְהָוֵינַן בָּהּ, כִּי חָזַר וְנִתְגַּלָּה מַאי הָוֵי? הוֹאִיל וְאִידְּחֵי אִידְּחֵי!

And we discussed this issue and asked: **When** the blood **was then exposed, what of it?** Why is one obligated to cover it a second time? **Once it was disqualified, it** should remain **disqualified.** When the wind covered the blood, the person was exempted from covering the blood. If so, even if the blood is subsequently uncovered, he should remain exempt. Why, then, is he obligated to cover the blood in that case?

וְאָמַר רַב פַּפָּא, זֹאת אוֹמֶרֶת: אֵין דִּיחוּי אֵצֶל מִצְוֹת!

And Rav Pappa says: That is to say that **there is no disqualification with regard to mitzvot.** Once the cause of the exemption from the obligation is removed, one is once again obligated to fulfill the mitzva. If so, Reish Lakish's dilemma is resolved.

דְּרַב פַּפָּא גּוּפֵיהּ אִיבַּעְיָא לֵיהּ: מִפְּשַׁט פְּשִׁיטָא לֵיהּ לְרַב פַּפָּא דְּאֵין דִּיחוּי אֵצֶל מִצְוֹת, לָא שָׁנָא לְקוּלָּא וְלָא שָׁנָא לְחוּמְרָא.

The Gemara rejects this suggestion: It is with regard to **Rav Pappa's** resolution **itself** that Reish Lakish **raised the dilemma.** Is it **obvious to Rav Pappa,** based on the discussion with regard to the blood, **that there is no disqualification with regard to mitzvot;**[H] and there **is no difference** whether that ruling leads **to leniency,** as in the case of the worshipped tree whose status as an object of idol worship was revoked, thereby permitting its *lulav* branch to be used for a mitzva, **and** there **is no difference** whether that ruling leads **to stringency,** as in the case of the blood, where one is obligated to cover it anew?

אוֹ דִּלְמָא סָפוּקֵי מְסַפְקָא לֵיהּ, וּלְחוּמְרָא אָמְרִינַן, לְקוּלָּא לָא אָמְרִינַן? תֵּיקוּ.

Or perhaps is he uncertain, and therefore, when that ruling leads **to stringency, we say** that there is no disqualification with regard to mitzvot, and one must perform the mitzva. But when that ruling leads **to leniency, we do not say** that there is no disqualification with regard to mitzvot. The Gemara concludes: The question **shall stand** unresolved.

בָּעֵי רַב פַּפָּא: הַמִּשְׁתַּחֲוֶה לִבְהֵמָה, צַמְרָהּ מַהוּ לְתַכֵּלֶת?

§ **Rav Pappa raises a dilemma:** In the case of **one who bows to an animal,**[H] **what is** the *halakha* with regard to **its wool?** May it be used **for** the **sky-blue wool?**

תְּכֵלֶת דְּמַאי? אִי תְּכֵלֶת לְכֹהֲנִים – הַיְינוּ בָּעֵיָא דְּרַבִּי בַּר חָמָא, וְאִי תְּכֵלֶת לְצִיצִית – הַיְינוּ בָּעֵיָא דְּרֵישׁ לָקִישׁ!

The Gemara asks: The **sky-blue wool** in question is **for which** mitzva? **If** it is the **sky-blue wool for** the ritual garments worn by **priests,** then Rav Pappa's dilemma **is** the same as the **dilemma** raised **by Rami bar Ḥama** earlier (46b) with regard to the use in the Temple of worshipped items that have since changed in form. **And if** the **sky-blue wool** in question is **for** the mitzva of **ritual fringes,** this **is** the same as the **dilemma** raised **by Reish Lakish** with regard to the use of a branch of a worshipped palm tree for performing the mitzva of *lulav*.

BACKGROUND

Covering the blood – כִּיסּוּי הַדָּם: One who slaughters a kosher bird or a kosher undomesticated animal must cover its blood with earth (see Leviticus 17:13), reciting a blessing before fulfilling this mitzva. The mitzva is discussed in detail in the sixth chapter of *Ḥullin*. Ashes and other powdery substances may also be used for this purpose.

HALAKHA

Covered the blood and it was then uncovered – כִּיסָּהוּ וְנִתְגַּלָּה: One who slaughters an undomesticated animal or a bird is obligated to cover its blood. If wind blows dirt that covers the blood, he is exempt from the obligation to cover it. If it is subsequently uncovered, he is then obligated to cover it. If one originally covered the blood and it is subsequently uncovered, he is exempt. With regard to one who is obligated to cover the blood after it was uncovered, the later authorities disagree with regard to whether he recites a blessing over that (*Shulḥan Arukh*, *Yoreh De'a* 28:11, and *Peri Ḥadash* and *Piṭḥei Teshuva* there).

Disqualification with regard to mitzvot – דִּיחוּי אֵצֶל מִצְוֹת: A *lulav* that was once part of a tree used by a gentile for idol worship, and similarly a shofar that came from an animal used by a gentile for idol worship, may not be used in the performance of a mitzva, even if the status of the object of idol worship was subsequently revoked. Nevertheless, if such items were used, the mitzva is fulfilled. Others hold that if the idolatrous status was revoked only on the Festival during which the item was used, one has not fulfilled the mitzva even after the fact (Rambam *Sefer Zemanim*, *Hilkhot Shofar VeSukka VeLulav* 8:1; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 586:3, and in the comment of Rema, 649:1, see also 646:2 and *Beur HaGra* there).

One who bows to an animal, etc. – הַמִּשְׁתַּחֲוֶה לִבְהֵמָה וכו': If one bows down to an animal in idol worship, its wool is unfit for use in ritual fringes. This is because the dilemma in the Gemara remains unresolved and one must therefore follow the stringent opinion. If one disregarded this and used it, the authorities disagree as to whether it should be permitted after the fact. If one bows down to a flax plant, it is permitted to use its linen in ritual fringes, because it has been altered from its original form (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 1:11; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 11:8).

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אֵין הָכִי נַמִּי, דְּלָא הֲוָה לְמִיבָּעֵי לֵיהּ, וְהַאי דְּקָא בָּעֵי לֵיהּ הָא – מִשּׁוּם דְּאִיכָּא מִילֵּי אַחֲרָנְיָיתָא: צַמְרָהּ מַהוּ לְתַכֵּלֶת? קַרְנָיָהּ מַהוּ לַחֲצוֹצְרוֹת? שׁוֹקֶיהָ מַהוּ לַחֲלִילִין? בְּנֵי מֵעֶיהָ מַהוּ לְפַאֲרוֹת?

The Gemara answers: **Yes, it is indeed so that** Rav Pappa **did not** need **to raise** this **dilemma,** as it was previously addressed. **And** the reason **that he raises this dilemma** is **due to other matters** that he needed to clarify, concerning the use of parts of a worshipped animal in the Levites' ritual song. With regard to **its wool, what is** the *halakha* concerning using it **for sky-blue wool** used in the performance of a mitzva? With regard to **its horns, what is** the *halakha* concerning their use **for trumpets?**[H] With regard to the bones of **its thighs, what is** the *halakha* concerning their use **for flutes?** With regard to **its innards, what is** the *halakha* concerning their use **for harp strings** [*leforot*]?[L]

אַלִּיבָּא דְּמַאן דְּאָמַר: עִיקַּר שִׁירָה בִּכְלֵי לָא תִּיבָּעֵי לָךְ – דְּוַדַּאי אֲסִיר,

According to the opinion **of the one who says** that the **primary** element of **song** in the Temple is the accompaniment **by** musical **instruments, do not raise the dilemma, as it is certain** that use of a worshipped animal is **prohibited,** because the musical instruments are items used to facilitate an offering.

כִּי תִּיבָּעֵי לָךְ – אַלִּיבָּא דְּמַאן דְּאָמַר: עִיקַּר שִׁירָה בְּפֶה, בְּסוּמֵי קָלָא בְּעָלְמָא הוּא וּמְיִיתְינַן, אוֹ דִלְמָא אֲפִילּוּ הָכִי אֲסִיר? תֵּיקוּ.

When should you raise the dilemma? Raise it **according to** the opinion **of the one who says** that the **primary** element of **song** in the Temple is singing **with the mouth,**[H] and that the musical instruments are used **merely** to **sweeten the sound,** i.e., to accompany and enhance the singing. **And** accordingly, **can one bring** musical instruments made of a worshipped animal's parts, as they are not an essential element of the Temple service? **Or perhaps** is it **nevertheless forbidden** since it is repulsive to use such instruments in the course of the Temple service? The Gemara concludes: The question **shall stand** unresolved.

בָּעֵי רַבָּה: הַמִּשְׁתַּחֲוֶה לְמַעְיָן, מֵימָיו מַהוּ לְנַסְּכִים? מַאי קָא מִיבָּעֵיָא לֵיהּ? אִילֵימָא לְבָבוּאָה קָא סָגֵיד אוֹ דִלְמָא לְמַיָּא קָא סָגֵיד – וְתִיבָּעֵי לֵיהּ סֵפֶל לְהֶדְיוֹט!

§ **Rava raises a dilemma:** In the case of **one who bows to a spring** of water, **what is** the *halakha* with regard to using **its water for libations?** The Gemara asks: **What is the dilemma he is raising? If we say** that the dilemma concerns whether **he is bowing to** his own **reflection or perhaps he is bowing to the water,** why then is this a dilemma only with regard to libations in the Temple? **Let him raise the dilemma** with regard to the use of **a pail** of water that a person bowed to, even **for ordinary** purposes.

לְעוֹלָם לְמַיָּא קָא סָגֵיד, וְהָכִי קָמִבָּעְיָא לֵיהּ: לְמַיָּא דְּקַמֵּיהּ קָא סָגֵיד, וְקַמָּאֵי קַמָּאֵי אָזְדוּ, אוֹ דִלְמָא לְדַבְרוֹנָא דְּמַיָּא קָא סָגֵיד?

The Gemara answers: **Actually,** it is clear that **he is bowing to the water. And this is the dilemma** Rava **raises: Is he bowing to the water before him, and** therefore it follows that **the first** waters, i.e., those that were present at the time of his bowing, **are gone,** and the water that is currently flowing is permitted, **or perhaps is he bowing to the flow of the water,**[H] which would render it prohibited to use all the water that flows in that spring for libations.

וּמִי מִיתַּסְרִי? וְהָא אָמַר רַבִּי יוֹחָנָן מְשׁוּם רַבִּי שִׁמְעוֹן בֶּן יְהוֹצָדָק: מַיִם שֶׁל רַבִּים אֵין נֶאֱסָרִין! לָא צְרִיכָא, דְּקָא נָבְעִי מֵאַרְעָא.

The Gemara asks: **And is** the water actually **rendered forbidden** by his worship? **But doesn't Rabbi Yoḥanan say in the name of Rabbi Shimon ben Yehotzadak: Water that belongs to the public cannot become forbidden?** The Gemara answers: **No,** the dilemma is not with regard to a public spring. Rather, it is **necessary** with regard to a spring **that flows from the ground** in one specific location that is privately owned.

מתני׳ מִי שֶׁהָיָה בֵּיתוֹ סָמוּךְ לַעֲבוֹדָה זָרָה וְנָפַל – אָסוּר לִבְנוֹתוֹ. כֵּיצַד יַעֲשֶׂה? כּוֹנֵס בְּתוֹךְ שֶׁלּוֹ אַרְבַּע אַמּוֹת וּבוֹנֶה.

MISHNA In the case of **one whose house was adjacent to** a house of **idol worship**[HN] **and** the dividing wall **fell,** it is **prohibited to rebuild it. What should he do?** He should **withdraw into his own** property **four cubits**[N] **and build** the wall there.

שֶׁלּוֹ וְשֶׁל עֲבוֹדָה זָרָה,

In talmudic times, external walls to homes were often built in two parts, with a functional space between them. If the space between the two parts of the wall **belonged to him and to** the house of **idol worship,**[N]

HALAKHA

Its horns…for trumpets, etc. – קַרְנָיָהּ...לַחֲצוֹצְרוֹת וכו׳: If one bows down to an animal in idol worship, just as it is prohibited to sacrifice the animal as an offering, so too, its wool may not be used to fashion priestly vestments. Furthermore, its horns may not be used in the Temple for trumpets, nor its thighs for flutes, nor its innards for harp strings. This is because the dilemma in the Gemara remains unresolved and therefore the stringent option is followed, as it is a matter of Torah law (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:7, and see Mahari Kurkus and *Kesef Mishne* there).

Primary song is with the mouth – עִיקַּר שִׁירָה בְּפֶה: The primary element of Temple song is singing with the mouth. That is why only Levites were fit to sing in the Temple. The musical instruments accompanying the song were played both by Levites and by Israelites who were fit to marry into the priesthood (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 3:3).

Is he bowing to the flow of the water – לְדַבְרוֹנָא דְּמַיָּא קָא סָגֵיד: If one bows to a spring that flows from the ground, it is prohibited to use its waters for a libation. This is because the dilemma in the Gemara remains unresolved and therefore the stringent option is followed, as it is a matter of Torah law (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:7 and see Mahari Kurkus there).

One whose house was adjacent to a house of idol worship – מִי שֶׁהָיָה בֵּיתוֹ סָמוּךְ לַעֲבוֹדָה זָרָה: In the case of one whose house was adjacent to a house of idol worship and the dividing wall between them fell, he may not rebuild it in the same place. Rather, he must withdraw into his own property and rebuild it there. Some maintain that the withdrawal must be a distance of four cubits (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:5; *Shulḥan Arukh*, *Yoreh De'a* 143:1, and *Shakh* and *Beur HaGra* there).

NOTES

Whose house was adjacent to a house of idol worship, etc. – הָיָה בֵּיתוֹ סָמוּךְ לַעֲבוֹדָה זָרָה וכו׳: Rashi explains that the adjacent house, including the wall itself, was worshipped, while Rabbeinu Elḥanan explains that it housed idolatry but that the house itself was not an object of idol worship.

Withdraw…four cubits – כּוֹנֵס...אַרְבַּע אַמּוֹת: From the words of Rashi and other commentaries it is apparent the Sages had established the measurement of four cubits as the minimum distance from a place of idol worship that one may build his house. The Ra'ah maintains that no specific distance is mandated, and that what is required is a distance far enough that a gentile will not be able to use the wall of a Jew for his idolatrous purposes.

Belonged to him and to idol worship – שֶׁלּוֹ וְשֶׁל עֲבוֹדָה זָרָה: This is a case where the wall was built in partnership with a gentile in a permitted fashion. Only later did the gentile utilize it for his idolatrous purposes (Ra'avad). In the Jerusalem Talmud, Rabbi Yoḥanan is cited explaining that this is a case where a convert and his gentile brother inherited the property from their gentile father.

LANGUAGE

Harp strings [*porot*] – פַּארוֹת: The word and its meaning are not entirely clear. Some base their explanation of the word upon the way it is used in the Bible to refer to branches; accordingly, this terminology was borrowed here to refer to the strings that branch out from a harp.

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נִידּוֹן מֶחֱצָה עַל מֶחֱצָה.

the area **is treated** as **half and half**[NH] with regard to withdrawing into his property before rebuilding the wall; he may build the wall four cubits from the middle of that space.

אֲבָנָיו, עֵצָיו וַעֲפָרוֹ – מְטַמְּאִין כְּשֶׁרֶץ, שֶׁנֶּאֱמַר: ״שַׁקֵּץ תְּשַׁקְּצֶנּוּ״.

The stones of the fallen wall, **its wood, and its dust, transmit impurity like a creeping animal,**[H] i.e., one who touches them becomes impure like one who touches a creeping animal, **as it is stated:** "And you shall not bring an abomination into your house, and be accursed like it; **you shall detest it** [***shakketz teshakketzennu***],[N] and you shall abhor it; for it is a proscribed item" (Deuteronomy 7:26). The term *shakketz* is used in a different form, *shekketz*, with regard to creeping animals.

רַבִּי עֲקִיבָא אוֹמֵר: כִּנְדָּה, שֶׁנֶּאֱמַר: ״תִּזֶּרֶם כְּמוֹ דָוָה צֵא תֹּאמַר לוֹ״, מַה נִּדָּה מְטַמְּאָה בְּמַשָּׂא, אַף עֲבוֹדָה זָרָה מְטַמְּאָה בְּמַשָּׂא.

Rabbi Akiva says: Those items transmit impurity **like a menstruating woman, as it is stated: "You will put them far away as a menstruating woman; you shall say to it: Go away"** (Isaiah 30:22). **Just as a menstruating woman transmits impurity by carrying,** as one who moves a menstruating woman, even without touching her, becomes impure, **so too,** objects of **idol worship transmit impurity by carrying.**

גמ׳ וְהָא קָא מַרְוַח לַעֲבוֹדָה זָרָה! אֲמַר רַב חֲנִינָא מִסּוּרָא: דַּעֲבַד לֵיהּ בֵּית הַכִּסֵּא.

GEMARA The mishna teaches that one must rebuild his wall at a distance from the house of idol worship. The Gemara asks: **But** how may one do so? **Isn't he creating more space for the** house of **idol worship? Rav Ḥanina of Sura said:** This is not a problem, **as he converts** the empty space into **a bathroom.**

וְהָא בָּעֵי צְנִיעוּתָא! דַּעֲבַד לֵיהּ בֵּית הַכִּסֵּא דְּלֵילְיָא.

Since the mishna teaches that no wall may be built in that space, the bathroom is apparently not enclosed. The Gemara asks: **But doesn't** a bathroom **need** to be in a place of **modesty?** The Gemara answers: This is not a problem, **as he converts it** into **a bathroom for nighttime,** when no one can see him.

וְהָא אָמַר מָר: אֵיזֶהוּ צָנוּעַ? הַנִּפְנֶה בַּלַּיְלָה בְּמָקוֹם שֶׁנִּפְנָה בַּיּוֹם; וְאַף עַל גַּב דְּאוֹקִימְנָא בִּכְדֶרֶךְ, מִיהוּ צְנִיעוּתָא בָּעֵי לְמֶעֱבַד!

The Gemara asks: **But didn't the master say** in a *baraita*: **Who is a modest person? One who defecates at night in** the same **place that he defecates during the day,** i.e., in a place where no one can see him? **And although we interpreted** the *baraita* as referring not to location but to conduct, teaching that one must conduct himself at night **in the same manner,**[NH] i.e., with the same degree of modesty, as he does during the day with regard to removing his clothing when defecating (see *Berakhot* 62a), **nevertheless,** it can be inferred from here that even at night one **is required to observe** the dictates of **modesty.**

דַּעֲבַד לֵיהּ לְתִינוֹקוֹת.

The Gemara answers: This is not a problem, **as he converts it** into a bathroom **for children,** who are not required to observe the same level of modesty.

NOTES

Is treated as half and half – נִידּוֹן מֶחֱצָה עַל מֶחֱצָה: Rashi explains that the division into two halves refers only to the space that the wall had occupied. But the material of the wall, its stones, wood, and dust, remain forbidden as objects of idol worship. By contrast, many other early commentaries, citing the Jerusalem Talmud, explain that the division here is indeed referring to the materials that constituted the wall. Though generally speaking a standard partnership results in joint ownership of all the shared property, in this case it is preferable to both parties that the materials be split equally. The gentile prefers that his half be of totally idolatrous status, while the Jew prefers that it be permitted for him to derive benefit from his portion. Therefore, it is permitted for the Jew to use half of the materials (see Ramban and Ra'ah). The commentaries add that this applies only when each owner can recognize and identify the material that was used in his half of the wall.

You shall detest it – שַׁקֵּץ תְּשַׁקְּצֶנּוּ: Rashi explains that the proof comes from the verse that instructs one to detest idolatry and uses the term "*shakketz*," which, in a similar form, can mean a creeping animal. In the Jerusalem Talmud this *halakha* is derived from the continuation of the verse, which instructs one to "abhor it." The term for abhor, "*ta'ev*," is employed in the context of idol worship, creeping animals, and a menstruating woman. Accordingly, the dispute between the first *tanna* and Rabbi Akiva is whether an object of idol worship transmits impurity via touch like a creeping animal does, or via carrying like a menstruating woman does.

And although we interpreted in the same manner – וְאַף עַל גַּב דְּאוֹקִימְנָא בִּכְדֶרֶךְ: The Sages gave specific measurements as to how much of one's body may be uncovered when he defecates (see *Berakhot* 23b and 62a) and these guidelines apply both during the day and at night. Even though one need not be concerned for the presence of passersby at night, nevertheless, the value of personal modesty requires that he follow the same guidelines at night.

HALAKHA

Is treated as half and half – נִידּוֹן מֶחֱצָה עַל מֶחֱצָה: If one shared a wall with a house of idol worship and the wall subsequently fell, half the material belongs to the gentile and deriving benefit from it is prohibited as with any object of idol worship. The other half belongs to the Jewish owner and is permitted. This is in accordance with the explanation of the mishna in the Jerusalem Talmud. The Rema adds that this applies only when each owner recognizes which material belongs to him. The *Shakh* cites Rashi's alternate explanation, according to which the wall's materials are all forbidden, and the mishna is teaching that the Jew is required to withdraw into his property a distance of four cubits from the midpoint of the width of the wall (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:5 and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 143:1).

Transmit impurity like a creeping animal – מְטַמְּאִין כְּשֶׁרֶץ: Objects of idol worship transmit ritual impurity in the same manner as the carcasses of creeping animals. They transmit impurity to people and vessels by touch, and to earthenware vessels even by entering the airspace within their hollow area. They do not transmit impurity through carrying (Rambam *Sefer Tahara*, *Hilkhot Avot HaTumot* 6:2).

We interpreted in the same manner – אוֹקִימְנָא בִּכְדֶרֶךְ: With regard to uncovering one's body when relieving himself, the Sages taught that a person must follow the same guidelines of modesty at night as by day (Rambam *Sefer HaMadda*, *Hilkhot Deot* 5:6; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 3:12).

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אִי נַמִּי, דְּגָדֵיר לֵיהּ בְּהֵיזְמֵי וְהֵינְגֵי.

The Gemara suggests a different answer to the problem of enlarging the space used for idolatry: **Alternatively,** one can answer **that he fences** in the four-cubit space **with thorns**[HB] **and shrubs,**[B] thereby preventing its use.

מתני׳ שְׁלֹשָׁה בָּתִּים הֵן: בַּיִת שֶׁבָּנָאוֹ מִתְּחִלָּה לַעֲבוֹדָה זָרָה – הֲרֵי זֶה אָסוּר; סִיְּידוֹ וְכִיְּידוֹ לַעֲבוֹדָה זָרָה וְחִידֵּשׁ – נוֹטֵל מַה שֶּׁחִידֵּשׁ; הִכְנִיס לְתוֹכָהּ עֲבוֹדָה זָרָה וְהוֹצִיאָהּ – הֲרֵי זֶה מוּתָּר.

MISHNA With regard to idol worship **there are three** types of **houses,** each with its own *halakhot*. **A house that one built initially for** the purpose of **idol worship**[HN] **is forbidden,**[N] i.e., it is prohibited to derive benefit from such a house. If one **plastered** a house **or cemented it for** the purpose of **idol worship,**[N] **and he** thereby **added** a layer to the walls of the house, one **removes that which he added,**[N] and the rest of the house is permitted. If one **brought** an object of **idol worship into** a house temporarily **and** then **removed it,**[N] the house **is** then **permitted.**

גמ׳ אָמַר רַב: הַמִּשְׁתַּחֲוֶה לְבַיִת, אֲסָרוֹ. אַלְמָא קָסָבַר: תָּלוּשׁ וּלְבַסּוֹף חִבְּרוֹ כִּתְלוּשׁ דָּמֵי, וְהָאֲנַן "בְּנָאוֹ" תְּנַן!

GEMARA **Rav says: One who bows to a house has rendered it forbidden.** The Gemara infers: **Evidently,** Rav **holds** that an item that was **detached and** that **one subsequently attached is considered as** if it were still **detached.** Consequently, a house, which is attached to the ground but was built with materials that were detached from the ground, can become forbidden through worship. The Gemara asks: **But didn't we learn** in the mishna that if a house was initially **built** for the purpose of idol worship, it is forbidden? This indicates that the house becomes forbidden only when it is initially constructed for idolatrous purposes.

בְּנָאוֹ אַף עַל פִּי שֶׁלֹּא הִשְׁתַּחֲוָה לוֹ, הִשְׁתַּחֲוָה אַף עַל פִּי שֶׁלֹּא בְּנָאוֹ. אִי הָכִי, הָנֵי שְׁלֹשָׁה – אַרְבָּעָה הָווּ!

The Gemara answers that there are two cases where the house is rendered forbidden: If one **built it** for purposes of idol worship, **even if he did not bow to it,** or if **he bowed to it, even if he did not build it** for purposes of idol worship; it is forbidden in either case. The Gemara asks: **If so,** why does the mishna list only **these three** types of houses, when **there are** really **four?**[N]

כְּיָן דְּלְעִנְיַן בִּיטּוּל בָּנָה וְהִשְׁתַּחֲוָה חַד קָא חָשֵׁיב לֵיהּ.

The Gemara answers: **Since with regard to** the **revocation** of their idolatrous status there is no difference between a house that one **built** for idolatrous purposes **and** a house that one **bowed** down to, the mishna **considers them** as **one.**

HALAKHA

That he fences in with thorns, etc. – דְּגָדֵיר לֵיהּ בְּהֵיזְמֵי וכו׳: If one owns a house adjacent to a house of idol worship and the common wall between them falls, he must withdraw into his own property and rebuild the wall there. To avoid enlarging the area used for idol worship, the empty space created by this should be filled with thorns or dung (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:5; *Shulḥan Arukh*, *Yoreh De'a* 143:1).

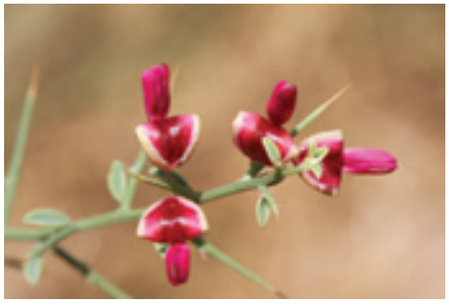
A house that one built initially for idol worship – בַּיִת שֶׁבָּנָאוֹ מִתְּחִלָּה לַעֲבוֹדָה זָרָה: If a house was initially built as an object of idol worship, or if it was bowed down to in idol worship after having been built, it is prohibited to derive any benefit from it. If plaster or cement is added, for the sake of idol worship, to an existing house, the house becomes permitted for use once the layer of plaster or cement is removed. The removed material remains forbidden. If an idolatrous object is brought into an existing house, it is prohibited to use the house for the duration of the object's stay. Once the object is removed, the house is permitted for use. The Rema, citing Rashi, clarifies that the house is permitted for use even if a Jew removed the idol. But if the house was designated to house the object of idol worship, its idolatrous status can be revoked only by a gentile who removes the object with the express intent of never reintroducing the object into the house (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:4; *Shulḥan Arukh*, *Yoreh De'a* 145:3).

BACKGROUND

Thorns – הֵיזְמֵי: This is probably the thorny bush restharrow, *Ononis antiquorum* L. from the Papilionaceae family. It is a small thorny bush whose height ranges from 25 to 70 cm. It is commonly found in fields and riverbeds. The leaves of the plant are usually clover shaped, and its side branches are thorny and tend to branch out.

Restharrow

Shrubs – הֵינְגֵי: The common shrub camelthorn, *Alhagi maurorum Medik* from the Papilionaceae family, is a thorny bush with smooth non-serrated leaves. It usually grows to a height of approximately 30 cm but it can grow to be 1 m tall. It is commonly found in fields and salt marshes.



Camelthorn

NOTES

That one built initially for idol worship – שֶׁבָּנָאוֹ מִתְּחִלָּה לַעֲבוֹדָה זָרָה: Rashi and many other early commentaries explain that the house was built with the intention to worship the structure itself in idol worship. If it was built for idols to be worshipped there, it is not immediately rendered forbidden, as it is permitted to derive benefit from accessories of idol worship before the idol worship occurs (see 19b). Others explain that in this case the house becomes forbidden as an accessory of idol worship once the idol is brought into it, but since it was initially built to house the idol, it does not become permitted when the idol is removed (Rabbeinu Yehuda of Birina, citing Rabbeinu Elḥanan).

Forbidden – אָסוּר: If it belonged to a Jew, it is forbidden forever. If it belonged to a gentile, it remains forbidden until a gentile revokes its idolatrous status.

Plastered or cemented it for idol worship – סִיְּידוֹ וְכִיְּידוֹ לַעֲבוֹדָה זָרָה: Rashi and many other early commentaries explain that here the plaster or cement was added as an object of idol worship itself, such as a molding in the shape of an idol. By contrast, in the Jerusalem Talmud, Rabbi Elazar explains this case as one where plaster or cement was added to beautify the home in preparation for the presence of an object of idol worship.

Removes that which he added – נוֹטֵל מַה שֶּׁחִידֵּשׁ: Even though an object's idolatrous status can be revoked only by a gentile, here, formal revocation is not required as the actual house had not become forbidden as an object of idol worship. It was only the additional plaster, which was intended for such a purpose, which rendered the house forbidden. As soon as the plaster is removed, the house automatically becomes permitted. Therefore, even if a Jew removes the plaster it is effective. In addition, unlike the act of revoking idolatrous status, which requires only a small physical change, here there is a significant material change, as the entire layer must be removed.

And removed it – וְהוֹצִיאָהּ: Rashi stresses that the object of idol worship was brought into the house only temporarily, without any intent to leave it there permanently to be worshipped. Although the house may not be used while the idol is inside it as it has the appearance of being a house of idol worship, the house itself is not rendered forbidden. Therefore, it is not required that a gentile remove the idol; a Jew's action suffices because formal revocation is not required here. Others explain that this is a case where a gentile brought the idol into the house with the intention that it remain a permanent place of idol worship. Therefore, the house itself became forbidden as an accessory of idol worship and only the removal of the idol by a gentile would effect the revocation of its idolatrous status (see Ramban). The Ra'avad understands that even if an object of idol worship were introduced into the house for the purposes of permanent worship, it still does not render the house forbidden to the point where formal revocation is required.

There are four – אַרְבָּעָה הָווּ: The four are: A house that was built for idol worship, a house that was bowed down to, a house that has had idolatrous renovations done to it, and a house that had an object of idol worship brought into it. It is explained in the Jerusalem Talmud that the reason the mishna lists only three of them is that it was specifically those three types of houses that the Jews found upon entering Eretz Yisrael.

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מתני׳ שָׁלֹשׁ אֲבָנִים הֵן: אֶבֶן שֶׁחֲצָבָהּ מִתְּחִלָּה לְבֵימוֹס – הֲרֵי זוֹ אֲסוּרָה; סְיָידָהּ וְכִיסָּהּ לְשֵׁם עֲבוֹדָה זָרָה – נוֹטֵל מַה שֶּׁסִּייֵד וְכִייֵד, וּמוּתֶּרֶת; הֶעֱמִיד עָלֶיהָ עֲבוֹדָה זָרָה וְסִילְקָהּ – הֲרֵי זוֹ מוּתֶּרֶת.

MISHNA With regard to idol worship **there are three** types of **stones,** each with its own *halakhot*. **A stone that** one **initially hewed**[H] **for** use in **a platform** [***bimos***][LN] for an idol **is forbidden.** If one **plastered** a stone **or cemented it for the sake of idol worship, one removes that which he plastered or cemented and** the stone **is permitted.** If one **erected** an object of **idol worship upon** a stone[HN] **and** subsequently **removed it,** the stone **is** then **permitted.**

גמ׳ אָמַר רַבִּי אַמִּי: וְהוּא שֶׁסִּייֵד וְכִייֵד בְּגוּפָהּ שֶׁל אֶבֶן.

GEMARA The mishna teaches that one may not derive benefit from a stone plastered or cemented for the sake of idol worship. **Rabbi Ami says: And** that **is** the *halakha* provided **that one plastered or cemented within the stone itself,** by carving or engraving into it. If the plaster or cement was merely appended to the outside of the stone as an external ornament, the stone is not forbidden.

וְהָא דּוּמְיָא דְּבֵית תִּבֶן, וּבֵית לָאו בְּגוּפֵיהּ הוּא וּמִיתְסַר! בַּיִת נַמִּי אֵיכָּא בֵּינֵי אוּרְבֵּי.

The Gemara asks: **But didn't we learn** in the mishna the *halakha* with regard to stones immediately following the *halakha* with regard to a house utilized for idol worship? This indicates that the *halakha* of a stone is **similar to** the *halakha* of **a house. And** in the case of **a house** that was rendered forbidden when it was plastered or cemented for idol worship, that plastering was **not** done **within the house itself,** but on the exterior of its walls, **and** even so it is **rendered forbidden.** Accordingly, even external plastering should render the stone forbidden. The Gemara answers: In the case of **a house** it can **also** be explained that the plaster or cement was added to the house itself, as **there is** space **in between the bricks** that can be filled in.

מִי לָא עָסְקִינַן דְּשִׁייֵעַ וַהֲדַר שַׁיְיעֵיהּ?

The Gemara asks: As the mishna does not specify, **are we not dealing** even with a house **that one plastered** with no idolatrous purpose **and** then **plastered again** on top of that layer for the sake of idol worship, rendering the house forbidden even without affecting the house itself?

אֶלָּא, כִּי אִתְּמַר דְּרַבִּי אַמִּי – לְעִנְיַן בִּיטּוּל אִתְּמַר, וְאַף עַל גַּב דְּסִייֵד וְכִייֵד בְּגוּפָהּ שֶׁל אֶבֶן, כִּי נָטַל מַה שֶּׁחִידֵּשׁ – שַׁפִּיר דָּמֵי;

The Gemara answers: Rabbi Ami was not explaining at what point a stone plastered for idolatry becomes forbidden; **rather, when Rabbi Ami's** statement **was stated,**[N] **it was stated with regard to revocation** of the stone's idolatrous status, **and** he taught that **even if one plastered or cemented within the stone itself, when one removes that which was added,** it is **permitted.**

דְּמַהוּ דְּתֵימָא: כֵּיוָן שֶׁסִּייֵד וְכִייֵד בְּגוּפָהּ שֶׁל אֶבֶן, כְּאֶבֶן שֶׁחֲצָבָהּ מִתְּחִלָּה לַעֲבוֹדָה זָרָה דָּמְיָא, וְתִיתַּסַּר כּוּלָּהּ, קָא מַשְׁמַע לָן.

The Gemara explains Rabbi Ami's ruling: **Lest you say** that **since one plastered or cemented within the stone itself, it is equivalent to a stone that one initially hewed for idol worship, and** therefore the **entire** stone is **forbidden,** Rabbi Ami **teaches us** that the stone can become permitted by the removal of the additional layer of plaster.

HALAKHA

A stone that one initially hewed, etc. – אֶבֶן שֶׁחֲצָבָהּ מִתְּחִלָּה וכו׳: It is prohibited to derive benefit from a stone that was initially hewn in order to be used as an object of idol worship. If it was hewn without such an intention, but later plaster or cement was added to it in order to be worshipped, the stone is permitted once the added material is removed. The removed plaster or cement remains forbidden (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:4; *Shulḥan Arukh*, *Yoreh De'a* 145:4).

Erected idol worship upon a stone – הֶעֱמִיד עָלֶיהָ עֲבוֹדָה זָרָה: If an object of idol worship is erected upon a stone, it is prohibited to derive benefit from the stone until the object is removed. As soon as the idol is removed, the stone is permitted, provided that the idol was placed on the stone only temporarily without any intention to designate the stone as a platform for idolatrous practice (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:5; *Shulḥan Arukh*, *Yoreh De'a* 145:5 and *Shakh* there).

LANGUAGE

Platform [*bimos*] – בִּימוֹס: From the Greek βωμός, *bomos*, this refers to a kind of small altar with a base.

Greek funerary altar

NOTES

For a platform [*bimos*] – לְבִימוֹס: Rashi explains that this is a platform used as a base for an idol and is therefore considered like designating an object of idol worship. Ra'avad writes that this *bimos* is the "pillar" mentioned in the Torah (see, e.g., Deuteronomy 16:22), concerning which the Sages teach that such a structure is rendered forbidden upon its formation, even if there was no intention to use it for idol worship. The Ra'avad suggests another explanation; that it is similar to a house designed to host objects of idol worship, which is viewed as an extension of the actual object of idol worship, and it is therefore prohibited to derive benefit from it.

Erected idol worship upon a stone, etc. – הֶעֱמִיד עָלֶיהָ עֲבוֹדָה זָרָה וכו׳: Consistent with his explanation with regard to a house that temporarily contained an object of idol worship, Rashi explains that temporarily placing an object of idol worship upon a stone does not render the stone itself forbidden as an object of idol worship. To permit the use of the stone, all that is necessary is the removal of the object of idol worship; no formal revocation of idolatrous status is necessary. The Ra'avad explains that even if the stone was designated as a permanent platform for idolatry, it is not rendered forbidden as an accessory of idol worship until the worship is actually performed.

Rather, when…was stated, etc. – אֶלָּא כִּי אִתְּמַר וכו׳: In conclusion, any manner of plastering or cementing for the purpose of idol worship, whether it is done externally or internally, i.e., within the actual stone, renders the stone forbidden. In all cases, the stone is again permitted upon the removal of the added plaster or cement. The *halakha* is the same with regard to plaster added to a house (Ra'avad).

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BACKGROUND

Ashera – **אֲשֵׁרָה:** Trees were often central to idolatrous religious rites in the ancient Near East, particularly the cult of the goddess Ashera in Eretz Yisrael. To this day, trees are the focal point at shrines of several world religions.

Site of Hindu worship at a tree in India

Sank or grafted – **הִבְרִיךְ וְהִרְכִּיב:** Ground sinking is a process used in propagating various plants, especially grapevines. A shoot of a vine is sunk into the ground, and then after the shoot begins to take root it is cut off and separated from the mother plant. Grafting consists of bringing a branch from one tree and inserting it into a slit that was made in another tree for this purpose, although the precise techniques of connecting vary between the different species of trees.

HALAKHA

A tree that one initially planted – **אִילָן שֶׁנִּטָּעוֹ מִתְּחִלָּה:** It is prohibited to derive benefit from a tree that was initially planted in order to be worshipped as an object of idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 145:6).

Lopped or trimmed – **גִּידְּעוֹ וּפִיסְּלוֹ:** It is prohibited to derive benefit from a tree whose trunk was lopped or whose branches were trimmed for the sake of idol worship. Once the additional growth is removed, even if he sank or grafted onto the tree, that which was removed remains forbidden but the tree is permitted. This is in accordance with the mishna as explained by Rabbi Yannai (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 145:6).

Erected idol worship beneath it – **הֶעֱמִיד תַּחְתֶּיהָ עֲבוֹדָה זָרָה:** It is prohibited to derive benefit from a tree while there is an object of idol worship under its foliage. Some add that this prohibition applies only when the tree was planted for this purpose (*Shakh*). The prohibition remains in effect as long as the object remains in place. Once it is removed, the tree is permitted, as the tree itself was never an object of idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 145:6).

One who bows to a tree – **הַמִּשְׁתַּחֲוֶה לְאִילָן:** After one bows down to a tree in idol worship, even though the actual tree is not rendered forbidden, all subsequent growth from it, e.g., branches or fruit, is forbidden. This is in accordance with the opinion of Shmuel (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 145:1).

מתני׳ שָׁלֹשׁ אֲשֵׁרוֹת הֵן: אִילָן שֶׁנִּטָּעוֹ מִתְּחִלָּה לְשֵׁם עֲבוֹדָה זָרָה – הֲרֵי זוֹ אֲסוּרָה; גִּידְּעוֹ וּפִיסְּלוֹ לְשֵׁם עֲבוֹדָה זָרָה וְהֶחֱלִיף – נוֹטֵל מַה שֶּׁהֶחֱלִיף; הֶעֱמִיד תַּחְתֶּיהָ עֲבוֹדָה זָרָה וּנְטָלָהּ – הֲרֵי זוֹ מוּתֶּרֶת.

MISHNA

There are three types of **trees** that were used as part of idolatrous rites [***ashera***]**:**[B] **A tree that one initially planted**[H] **for the sake of idol worship is forbidden,**[N] and one may not derive benefit from any part of the tree. If one **lopped** off part of the trunk of a tree **or trimmed**[H] its branches **for the sake of idol worship,** i.e., to worship that which would regrow there, **and** the tree's trunk or limbs **regrew, one removes that which has regrown**[N] and burn it. The remainder of the tree is then permitted. If one **erected** an object of **idol worship beneath** a tree[H] **and** subsequently **removed it, it is permitted** to derive benefit from the tree.

גמ׳ אָמְרִי דְּבֵי רַבִּי יַנַּאי, וְהוּא שֶׁהִבְרִיךְ וְהִרְכִּיב בְּגוּפוֹ שֶׁל אִילָן.

GEMARA

The mishna teaches that if one lopped off or trimmed a tree's branches for the sake of idol worship and it regrew, the tree is permitted upon the removal of the new growth. The Sages of **the school of Rabbi Yannai say: And** this **is** the *halakha* only **when one sank**[N] the shoot of a vine into the ground **or grafted**[B] **onto** the trunk of **the tree itself.**

וְהָאֲנַן ״גִּידְּעוֹ וּפִיסְּלוֹ״ תְּנַן!

The Gemara asks: **But didn't we learn** that if he **lopped** off part of the trunk **or trimmed** the tree's branches, the growth is forbidden? In order to render a tree forbidden, according to the Sages of the school of Rabbi Yannai, the act dedicated to idol worship must be sinking or grafting, which are tantamount to replanting the entire tree. The mishna indicates that even cutting off part of a tree renders the new growth forbidden.

אֶלָּא כִּי אֵיתְמַר דְּרַבִּי יַנַּאי – לְעִנְיַן בִּיטּוּל אֵיתְמַר, דְּאַף עַל גַּב דְּהִבְרִיךְ וְהִרְכִּיב בְּגוּפוֹ שֶׁל אִילָן, כִּי נָטַל מַה שֶּׁהֶחֱלִיף – שַׁפִּיר דָּמֵי; דְּמַהוּ דְּתֵימָא: כֵּיוָן דְּהִבְרִיךְ וְהִרְכִּיב בְּגוּפוֹ שֶׁל אִילָן, כְּאִילָן שֶׁנִּטָּעוֹ מִתְּחִלָּה דָּמֵי, וְלִיתַּסַּר כּוּלָּהּ, קָא מַשְׁמַע לָן.

The Gemara answers: **Rather, when** the statement of the Sages of the school **of Rabbi Yannai was stated,** it **was stated with regard to** the **revocation** of the idolatrous status. What they meant to say was **that even if one sank** the shoot of a vine into the ground **or grafted onto the tree itself,** effecting a more significant change, nevertheless, **when one removes that which has regrown,** the tree is **permitted. As, lest you say** that **since one sank** the shoot of a vine into the ground **or grafted onto the tree itself, it is similar to a tree that one initially planted** for idol worship **and the entire** tree **should be forbidden,** the Sages of the school of Rabbi Yannai counter this and **teach us** that even in this case the tree is permitted when that which has regrown is removed.

אָמַר שְׁמוּאֵל: הַמִּשְׁתַּחֲוֶה לְאִילָן – תּוֹסֶפְתֵּיהּ אֲסוּרָה. מְתִיב רַבִּי אֶלְעָזָר: גִּידְּעוֹ וּפִיסְּלוֹ לַעֲבוֹדָה זָרָה וְהֶחֱלִיף – נוֹטֵל מַה שֶּׁהֶחֱלִיף; גִּידְּעוֹ וּפִיסְּלוֹ – אִין, לֹא גִּידְּעוֹ וּפִיסְּלוֹ – לָא!

Shmuel says: In the case of **one who bows to a tree,**[H] **its additional** subsequent growth is **forbidden. Rabbi Elazar raises an objection** from the mishna: If one **lopped or trimmed** the tree **for** the sake of **idol worship and** the tree's trunk or limbs **regrew, one removes that which has regrown** and burn it. This indicates that if one **lopped or trimmed it** the additional growth **is** forbidden, but if one **did not lop or trim it,** even if one bowed to the tree, the growth is **not** forbidden.

NOTES

Forbidden – **אֲסוּרָה:** If it was the object of a gentile's idol worship, it is not rendered permitted until a gentile revokes its idolatrous status. If it was the object of a Jew's idol worship, there is no recourse and it remains forbidden forever.

Removes that which has regrown, etc. – **נוֹטֵל מַה שֶּׁהֶחֱלִיף וכו׳:** As the Gemara explains, this is in accordance with the opinion of the Rabbis who disagree with Rabbi Yosei bar Yehuda, and who maintain that a tree that was planted and that was only subsequently worshipped is permitted. Nevertheless, all agree that any future growth that results from this lopping or trimming is forbidden, as that growth is tantamount to a tree planted for idolatrous purposes.

And this is when one sank, etc. – **וְהוּא שֶׁהִבְרִיךְ וכו׳:** New branches emerge from the place of the sinking or grafting. In the Jerusalem Talmud it is explained that the action of sinking or grafting was done for the purposes of idol worship.

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אָמַר לָךְ שְׁמוּאֵל: הָא מַנִּי? רַבָּנַן הִיא, וּשְׁמוּאֵל דְּאָמַר כְּרַבִּי יוֹסֵי בַּר יְהוּדָה, דְּאָמַר: אִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ – אָסוּר.

The Gemara answers that **Shmuel** could **say to you:** In accordance with **whose** opinion **is this** mishna? **It is** in accordance with the opinion of **the Rabbis,** who maintain that a tree that was planted and only subsequently worshipped is permitted, as it was not initially planted for idol worship. **And Shmuel says** his statement **in accordance with** the opinion of **Rabbi Yosei bar Yehuda, who says** that **a tree that one planted and subsequently worshipped** is **forbidden.** Accordingly, bowing to a tree renders its subsequent growth forbidden.

מַתְקִיף לָהּ רַב אַשִׁי: מִמַּאי דְּרַבִּי יוֹסֵי בַּר יְהוּדָה וְרַבָּנַן בְּתוֹסֶפֶת פְּלִיגִי? דִּלְמָא תּוֹסֶפֶת לְדִבְרֵי הַכֹּל אָסוּר, וּבְעִיקָּרוֹ פְּלִיגִי;

Rav Ashi objects to this answer: **From where** is it derived **that Rabbi Yosei bar Yehuda and the Rabbis disagree with regard to additional** growth? **Perhaps all agree** that **additional** growth after the tree was worshipped is **forbidden, and they disagree** only **with regard to its trunk.**

דְּרַבִּי יוֹסֵי בַּר יְהוּדָה סָבַר: עִיקָּרוֹ נַמִּי אָסוּר, דִּכְתִיב: ״וְאֶת מִזְבְּחֹתָם תְּנַתֵּצוּן בָּאֵשׁ״; וְרַבָּנַן סָבְרִי: עִיקַּר אִילָן שָׂרֵי, דִּכְתִיב: ״וַאֲשֵׁירֵהֶם תִּגְדְּעוּן״, אֵיזֶהוּ אִילָן שֶׁגִּידּוּעוֹ אָסוּר וְעִיקָּרוֹ שָׂרֵי? הֱוֵי אוֹמֵר: אִילָן שֶׁנְּטָעוֹ וּלְבַסּוֹף עֲבָדוֹ!

The Gemara explains what the nature of this dispute would be: **As Rabbi Yosei bar Yehuda maintains** that **its trunk is also forbidden, as it is written:** "And you shall break down their altars, and dash in pieces their pillars, **and burn their *asherim* with fire**" (Deuteronomy 12:3). Burning with fire destroys the whole tree, which indicates that the entire tree is forbidden, including its trunk. **And the Rabbis maintain** that **the trunk of the tree** is **permitted, as it is written:** "You shall break down their altars, and dash in pieces their pillars, **and hew down their *asherim,*** and burn their graven images with fire" (Deuteronomy 7:5). **Which is the tree whose hewn part** is **forbidden, but its trunk** is **permitted? You must say** it is **a tree that one planted and subsequently worshipped.**

וְכִי תֵּימָא: הָא דְּלָא מְתָרְצִינַן הָכִי – אֵיפּוּךְ רַבָּנַן לְרַבִּי יוֹסֵי בַּר יְהוּדָה וּרְבִי יוֹסֵי בַּר יְהוּדָה לְרַבָּנַן!

And if you would say that we did not explain their opinions **in this manner** previously (45b), as the source given there for the opinion of Rabbi Yosei bar Yehuda is the same verse given here as the source for the opinion of the Rabbis, simply **reverse** the explanation given there to match the one given here. The verse cited there as the source for the opinion of **the Rabbis,** namely, "and burn their *asherim* with fire," should instead be considered the source **for** the opinion **of Rabbi Yosei bar Yehuda,** who deems even the trunk of a subsequently worshipped tree forbidden. **And** the verse cited there as the source for the opinion **of Rabbi Yosei bar Yehuda,** namely, "and hew down their *asherim*," should instead be considered the source **for** the opinion of **the Rabbis** that only subsequent growth is forbidden.

אִם כֵּן, ״גִּידְּעוֹ וּפִיסְּלוֹ״ מַאן קָתָנֵי לָהּ? לָא רַבָּנַן וְלָא רַבִּי יוֹסֵי בַּר יְהוּדָה, אִי רַבָּנַן – בְּלֹא גִּידְּעוֹ וּפִיסְּלוֹ נַמִּי תּוֹסֶפֶת אֲסוּרָה, אִי רַבִּי יוֹסֵי בַּר יְהוּדָה – עִיקַּר אִילָן נַמִּי אָסוּר!

The Gemara rejects Rav Ashi's suggestion: It cannot be that all agree that additional growth is forbidden when a tree is planted and subsequently worshipped, because **if so, who teaches** the mishna that says that the tree is forbidden when one **lopped it or trimmed it?** It is **neither the Rabbis nor Rabbi Yosei bar Yehuda. If** one were to say that **the Rabbis** teach it, this cannot be, as they maintain that **even in** a case where one **did not lop it or trim it,** but simply bowed to it, the **additional** growth is **forbidden. If** one were to say that **Rabbi Yosei bar Yehuda** teaches the mishna, this cannot be, as he maintains that **even the trunk of the tree** is **forbidden** after it has been worshipped, and not just the subsequent growth.

אִי בָּעֵית אֵימָא: רַבָּנַן וְאִי בָּעֵית אֵימָא: רַבִּי יוֹסֵי בַּר יְהוּדָה; אִי בָּעֵית אֵימָא רַבִּי יוֹסֵי בַּר יְהוּדָה, כִּי קָאָמַר רַבִּי יוֹסֵי בַּר יְהוּדָה בְּלֹא גִּידְּעוֹ וּפִיסְּלוֹ עִיקַּר אִילָן אָסוּר – בִּסְתָמָא, אֲבָל גִּידְּעוֹ וּפִיסְּלוֹ – גַּלֵּי אַדַּעְתֵּיהּ דְּבִתּוֹסֶפֶת נִיחָא לֵיהּ, בְּעִיקַּר אִילָן לָא נִיחָא לֵיהּ.

The Gemara responds, defending Rav Ashi's suggestion: **If you wish, say** that **the Rabbis** teach the mishna, **and if you wish, say** that **Rabbi Yosei bar Yehuda** teaches it. The Gemara explains each possibility: **If you wish, say** that **Rabbi Yosei bar Yehuda** teaches it, as **when Rabbi Yosei bar Yehuda says** that even **in** a case where one **did not lop it or trim it, the trunk of the tree is** nevertheless **forbidden,** it is only **in** a case where one worshipped the tree **without specification,** i.e., not to any specific part of the tree. **But** if one **lopped it or trimmed it** for the sake of idol worship, **he has revealed his intention,** namely, **that** he believes that the **additional** growth **is suitable for** his idol worship, but that **the trunk of the tree is not suitable for** his idol worship. Therefore, in such a case only the additional growth is forbidden.

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BACKGROUND

House of Natzrefei – **בֵּי נַצְרָפֵי**: Various commentaries have offered suggestions for the etymology and meaning of this name. Possibly it comes from the Parthian word for Nazarene and refers to a place of Christian worship.

אִיבָּעֵית אֵימָא רַבָּנַן, גִּידְּעוֹ וּפִיסְּלוֹ אִיצְטְרִיכָא לֵיהּ, סָלְקָא דַּעְתָּךְ אָמִינָא: כֵּיוָן דַּעֲבַד לֵיהּ מַעֲשֶׂה בְּגוּפֵיהּ, עִיקַּר אֵילָן נַמֵּי לִיתַּסַּר, קָמַשְׁמַע לָן.

The Gemara explains the other possibility. **If you wish, say** that **the Rabbis** teach it. Although they maintain that even without lopping or trimming the tree the additional growth is forbidden if it is worshipped, nevertheless it **was necessary for** the mishna to mention the case where one **lopped it or trimmed it** specifically. Otherwise, it might **enter your mind to say** that **since one performed an action on** the tree **itself, the trunk of the tree should also be forbidden.** Therefore, the mishna **teaches us** that only the additional growth is forbidden and not the trunk.

מתני׳ אֵיזוֹ אֲשֵׁרָה? כָּל שֶׁיֵּשׁ תַּחְתֶּיהָ עֲבוֹדָה זָרָה, רַבִּי שִׁמְעוֹן אוֹמֵר: כָּל שֶׁעוֹבְדִין אוֹתָהּ. וּמַעֲשֶׂה בְּצַיְדָן בְּאִילָן שֶׁהָיוּ עוֹבְדִין אוֹתוֹ, וּמָצְאוּ תַּחְתָּיו גַּל, אָמַר לָהֶן רַבִּי שִׁמְעוֹן: בִּדְקוּ אֶת הַגַּל הַזֶּה, וּבְדָקוּהוּ וּמָצְאוּ בּוֹ צוּרָה, אָמַר לָהֶן: הוֹאִיל וְלִצּוּרָה הֵן עוֹבְדִין, נַתִּיר לָהֶן אֶת הָאִילָן.

MISHNA **Which** tree **is** deemed forbidden as **an *ashera*? Any** tree **that has** an object of **idol worship beneath it. Rabbi Shimon says: Any** tree **that** people **worship. And** there was **an incident in Tzaidan involving a tree that** people **would worship, and** Jews **found beneath it a heap** of stones. **Rabbi Shimon said to them: Examine this heap** of stones. **And they examined it and found in it** an idolatrous **image.** Rabbi Shimon **said to them: Since** it is **the image** that **they worship, we can permit** use of **the tree to** those who wish to derive benefit from it.

גמ׳ ״אֵיזֶהוּ אֲשֵׁרָה״. וְהָא אֲנַן ״שָׁלֹשׁ אֲשֵׁרוֹת״ תְּנַן! הָכִי קָאָמַר: שְׁתַּיִם לְדִבְרֵי הַכֹּל, וְאַחַת מַחֲלוֹקֶת דְּרַבִּי שִׁמְעוֹן וְרַבָּנַן. אֵיזוֹ הִיא אֲשֵׁרָה שֶׁנֶּחְלְקוּ בָּהּ רַבִּי שִׁמְעוֹן וַחֲכָמִים? כָּל שֶׁיֵּשׁ תַּחְתֶּיהָ עֲבוֹדָה זָרָה, רַבִּי שִׁמְעוֹן אוֹמֵר: כָּל שֶׁעוֹבְדִים אוֹתָהּ.

GEMARA The mishna teaches: **Which** tree **is an *ashera*?** The Gemara asks: **But didn't we learn** in the previous mishna that there are **three** types of ***ashera*** trees? The Gemara answers: **This** is what the mishna **is saying:** Of the three trees mentioned in the previous mishna, there are **two** where the trees themselves are worshipped, and **everyone agrees** that they are forbidden. **And** there is **one** that is subject to **a dispute between Rabbi Shimon and the Rabbis. Which is the *ashera*[N] with regard to which Rabbi Shimon and the Rabbis disagree?** It is **any** tree **that has** an object of **idol worship beneath it,** as **Rabbi Shimon says** that **any** tree **that** people **worship** is forbidden, but that a tree under which an idol was placed is not forbidden.

אֵיזוֹ הִיא אֲשֵׁרָה סְתָם? אָמַר רַב: כָּל שֶׁכּוֹמָרִים יוֹשְׁבִין תַּחְתֶּיהָ וְאֵין טוֹעֲמִין מִפֵּירוֹתֶיהָ; וּשְׁמוּאֵל אָמַר: אֲפִילּוּ אָמְרִי ״הָנֵי תַּמְרֵי לְבֵי נַצְרָפֵי״ – אָסוּר, דְּרָמֵי בֵּי שִׁיכְרָא וְשָׁתֵי לֵיהּ בְּיוֹם אִידָם. אָמַר אַמֵּימָר, אֲמָרוּ לִי סָבֵי דְּפוּמְבְּדִיתָא: הִלְכְתָא כִּשְׁמוּאֵל.

The Gemara presents a question: **Which** tree **is** assumed to be **an *ashera*,** even **without specific** knowledge[NH] that it was worshipped? **Rav says: Any** tree **that** gentile **priests sit beneath[N] and do not taste of its fruits,**[N] as they apparently consider the fruits consecrated to the idol. **And Shmuel says: Even** if **they** so much as **say: These dates are for the house of Natzrefei,**[B] a house of idol worship, the tree is **forbidden.** This is **because** the idol worshippers would **throw** the dates **into beer and drink it on their festival day. Ameimar says: The elders of Pumbedita said to me** that **the *halakha*** is **in accordance with** the opinion of **Shmuel.**

NOTES

Which is the *ashera*, etc. – אֵיזוֹ הִיא אֲשֵׁרָה וכו׳: With regard to a tree that has an object of idol worship beneath it, the Rabbis deem the tree forbidden, while Rabbi Shimon maintains that it is permitted even while the object is beneath it (Rabbeinu Yehuda of Birina; Rid). The Ra'avad explains that although Rabbi Shimon agrees with the opinion in the mishna that deems a house into which an idol is placed, or a stone onto which an idol is placed, forbidden, he is lenient in the case of a tree because trees are attached to the ground.

Which is an *ashera* without specific knowledge – אֵיזוֹ הִיא אֲשֵׁרָה סְתָם: This question is not part of the explication of the mishna; it is a new issue concerning how to identify a tree used in idolatrous rites (Rashi).

That priests sit beneath – שֶׁכּוֹמָרִים יוֹשְׁבִין תַּחְתֶּיהָ: Some early commentaries cite a variant reading: Any tree that is safeguarded by gentile priests (Rabbeinu Ḥananel; Rid; *Sefer Hashlama*).

And do not taste of its fruits – וְאֵין טוֹעֲמִין מִפֵּירוֹתֶיהָ: This is an unmistakable indication that the tree is not used only for the benefit of the worshippers and priests, but that it is used as part of idolatrous practice (Rashi).

HALAKHA

Which is an *ashera* without specific knowledge – אֵיזוֹ הִיא אֲשֵׁרָה סְתָם: It is prohibited to derive benefit from a tree whose fruits are saved by gentile priests in order to be used in brewing beer to be drunk on their holiday, as this is undoubtedly a tree that has been dedicated to idol worship. The *Shakh* writes that all the more so, when the priests refrain from eating the fruit, this is an indication that the tree is used in idolatrous rites (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 146:12).

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מתני׳ לֹא יֵשֵׁב בְּצִילָהּ, וְאִם יָשַׁב – טָהוֹר; וְלֹא יַעֲבוֹר תַּחְתֶּיהָ, וְאִם עָבַר – טָמֵא. הָיְתָה גּוֹזֶלֶת אֶת הָרַבִּים, וְעָבַר תַּחְתֶּיהָ – טָהוֹר.

MISHNA With regard to an *ashera*, **one may not sit in its shade,**[NH] **but if one sat** in its shade he remains **ritually pure. And one may not pass beneath it, and if one passed** beneath it he is **ritually impure.** If the tree **was robbing the public,**[NH] i.e., if its branches extended over public property, **and one passed beneath it,** he remains **pure.**

גמ׳ ״לֹא יֵשֵׁב בְּצִילָהּ״. פְּשִׁיטָא! אֲמַר רַבָּה בַּר בַּר חָנָה אֲמַר רַבִּי יוֹחָנָן: לָא נִצְרְכָא אֶלָּא לְצֵל צִילָהּ.

GEMARA The mishna teaches: **One may not sit in its shade.** The Gemara asks: Isn't this **obvious?** He is directly benefiting from an object of idol worship. **Rabba bar bar Ḥana said** that **Rabbi Yoḥanan said: It is necessary only with regard to the shade of its shade.** The shade that extends as far as the height of the tree is considered its shade. The less significant shade, that which extends further that the tree's height, is referred to as the shade of its shade. The mishna is teaching that even this secondary shade is forbidden.

מִכְּלָל דִּבְצֵל קוֹמָתָהּ, אִם יָשַׁב טָמֵא? לָא, דַּאֲפִילּוּ לְצֵל קוֹמָתָהּ נַמִּי, אִם יָשַׁב טָהוֹר; וְהָא קָא מַשְׁמַע לָן: דַּאֲפִילּוּ לְצֵל צִילָהּ לֹא יֵשֵׁב.

The Gemara comments: **By inference, with regard to the shade of its height,** its primary shade, **if one sat** there he is **impure.** The Gemara rejects this inference: **No,** this inference is not correct, **as even with regard to the shade of its height, if one sat** there he remains **pure. And this** is what the mishna **is teaching us: That even with regard to the shade of its shade, one may not sit** in it.

אִיכָּא דְּמַתְנֵי לָהּ אַסֵּיפָא: ״וְאִם יָשַׁב טָהוֹר״. פְּשִׁיטָא! אֲמַר רַבָּה בַּר בַּר חָנָה אֲמַר רַבִּי יוֹחָנָן: לָא נִצְרְכָא אֶלָּא לְצֵל קוֹמָתָהּ. מִכְּלָל דִּלְצֵל צִילָהּ אֲפִילּוּ לְכַתְּחִלָּה יֵשֵׁב? לָא, הָא קָא מַשְׁמַע לָן: דַּאֲפִילּוּ לְצֵל קוֹמָתָהּ, אִם יָשַׁב טָהוֹר.

There are those who teach this discussion **with regard to the latter clause** of that part of the mishna, which states: **But if one sat** in its shade he remains **ritually pure.** The Gemara asks: Isn't this **obvious?** Why should he be rendered impure? **Rabba bar bar Ḥana said** that **Rabbi Yoḥanan said: It is necessary only with regard to the** direct **shade of its height.** Even in this case, he remains pure. The Gemara comments: **By inference, with regard to the shade of its shade, one may even sit** there ***ab initio*.** The Gemara answers: **No,** this inference is not correct. Rather, **this** is what the mishna **is teaching us: That even with regard to the shade of its height, if one sat** there he remains **pure.**

״וְלֹא יַעֲבוֹר תַּחְתֶּיהָ, וְאִם עָבַר – טָמֵא״. מַאי טַעְמָא? אִי אֶפְשָׁר דְּלֵיכָּא תִּקְרוֹבֶת עֲבוֹדָה זָרָה.

§ The mishna teaches: **And one may not pass beneath** an *ashera*, **and if one passed** beneath it he is **ritually impure.** The Gemara asks: **What is the reason?** The Gemara answers: Because **it is impossible that there is no** remnant of an **idolatrous offering** underneath the tree.

מַנִּי? רַבִּי יְהוּדָה בֶּן בְּתֵירָא הִיא; דְּתַנְיָא, רַבִּי יְהוּדָה בֶּן בְּתֵירָא אוֹמֵר: מִנַּיִן לְתִקְרוֹבֶת עֲבוֹדָה זָרָה שֶׁמְּטַמְּאָה בְּאֹהֶל? שֶׁנֶּאֱמַר: ״וַיִּצָּמְדוּ לְבַעַל פְּעוֹר וַיֹּאכְלוּ זִבְחֵי מֵתִים״, מָה מֵת מְטַמֵּא בְּאֹהֶל, אַף תִּקְרוֹבֶת עֲבוֹדָה זָרָה מְטַמֵּא בְּאֹהֶל.

The Gemara asks: **Whose** opinion is this? **It is** the opinion of **Rabbi Yehuda ben Beteira, as it is taught** in a *baraita* that **Rabbi Yehuda ben Beteira says: From where** is it derived **that an idolatrous offering transmits impurity in a tent,** i.e., to that which is under the same roof? It is derived from **that** which **is stated: "And they joined themselves unto Ba'al-Peor, and ate the offerings to the dead"** (Psalms 106:28). It is derived from here that **just as a corpse transmits impurity in a tent, so too, an idolatrous offering transmits impurity in a tent.**

NOTES

One may not sit in its shade – לֹא יֵשֵׁב בְּצִילָהּ: Even though he does not sit directly under its foliage, he is still deriving benefit from an object of idol worship (Rashi).

Robbing the public – גּוֹזֶלֶת אֶת הָרַבִּים: It was leaning over the public thoroughfare. Some explain that its branches were extending into a public walkway such that if the tree had belonged to a private owner, the owner would have been required to trim it (see *Bava Batra* 27b). The Ra'avad notes that the case here must be one where the walkway was established before the *ashera* was there. If the *ashera* was there before the walkway, it would be prohibited to use the walkway.

HALAKHA

One may not sit in its shade – לֹא יֵשֵׁב בְּצִילָהּ: It is prohibited to sit in the shade of an *ashera*. This is the *halakha* whether the tree itself is worshipped or whether an idolatrous object is placed beneath it. The Rambam permits sitting in the shade of its shade. This is in accordance with the Jerusalem Talmud and with a variant text of the Gemara here. Other authorities rule in accordance with the standard text of the Gemara here and rule that it is prohibited to sit even in the shade of its shade (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:11; *Shulḥan Arukh*, *Yoreh De'a* 142:9).

Was robbing the public – הָיְתָה גּוֹזֶלֶת אֶת הָרַבִּים: It is prohibited to pass underneath an *ashera*. The Rema, citing the Ran, adds that it is permitted to pass through the area it shades. The prohibition to pass underneath an *ashera* applies only if there is another, equally convenient path that does not lead underneath the tree. If there is no other comparable path, one may pass underneath it while running. This is in accordance with the Gemara's conclusion. Some note that the Gemara indicates that the dispensation to pass underneath the tree was given only in the case where it is unlawfully extended into the public thoroughfare, and that in such a case it is even permitted to walk normally beneath it, without running (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:11; *Shulḥan Arukh*, *Yoreh De'a* 142:9, and *Shakh* and *Beur HaGra* there).

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"הָיְתָה גּוֹזֶלֶת אֶת הָרַבִּים, וְעָבַר תַּחְתֶּיהָ – טָהוֹר". אִיבַּעְיָא לְהוּ: עָבַר אוֹ עוֹבֵר? רַבִּי יִצְחָק בֶּן אֶלְעָזָר מְשַׁמֵּיהּ דְּחִזְקִיָּה אָמַר: עוֹבֵר, וְרַבִּי יוֹחָנָן אָמַר: אִם עָבַר.

§ The mishna teaches: If the tree **was robbing the public and one passed beneath it** he remains **pure. A dilemma was raised before** the Sages: Does the mishna mean that if **one passed** under the tree he remains pure, but that it is prohibited to pass beneath it *ab initio*? **Or** does the mishna mean that **one may pass**[N] beneath it *ab initio*? **Rabbi Yitzḥak ben Elazar says in the name of Ḥizkiyya: One may pass** *ab initio*. **And Rabbi Yoḥanan says:** The mishna means that **if one passed** he remains pure, but it is prohibited to pass *ab initio*.

וְלָא פְּלִיגִי: הָא דְּאִיכָּא דְּיָרְכָא אַחֲרִינָא, הָא דְּלֵיכָּא דְּיָרְכָא אַחֲרִינָא.

The Gemara explains: **And they do not disagree. This** opinion, that one may not pass beneath an *ashera*, is referring to a case **where there is another way** to get to his destination. **That** opinion, that it is permitted to pass beneath it *ab initio*, is referring to a case **where there is no other way.**

אֲמַר לֵיהּ רַב שֵׁשֶׁת לְשַׁמָּעֵיהּ: כִּי מָטֵית לְהָתָם אַרְהִיטֵנִי. הֵיכִי דָּמֵי? אִי דְּלֵיכָּא דְּיָרְכָא אַחֲרִינָא – לָמָּה לִי "אַרְהִיטֵנִי"? מִישְׁרָא שָׁרֵי! וְאִי דְּאִיכָּא דְּיָרְכָא אַחֲרִינָא, כִּי אֲמַר "אַרְהִיטֵנִי" מִי שָׁרֵי?

The Gemara relates: Rav Sheshet, who was blind, was being guided by his attendant toward his city, and there was an *ashera* shadowing the path. **Rav Sheshet said to his attendant: When you arrive at** the *ashera*, **have me run** past it quickly. The Gemara asks: **What were the circumstances? If there was no other way** to get to his destination, **why** did Rav Sheshet request: **Have me run** past it? In such circumstances, it is **permitted** to walk normally underneath an *ashera*. **And if there was another way** to get to his destination, **when** Rav Sheshet **said: Have me run** past it, **was it** then **permitted** for him to do so? He still passed under the *ashera*.

לְעוֹלָם דְּלֵיכָּא דְּיָרְכָא אַחֲרִינָא, וְאָדָם חָשׁוּב שָׁאנֵי.

The Gemara answers: **Actually,** it was a case **where there was no other way** to get to his destination. **And** although it was permitted for Rav Sheshet to walk normally underneath the *ashera*, Rav Sheshet wanted to run past it because **an important person is different.**[N] An important person should try to pass under the *ashera* as quickly as possible, lest others misunderstand the circumstances and learn from him that it is permitted for one to walk underneath an *ashera* even when there is another way for him to reach his destination.

מתני' זוֹרְעִין תַּחְתֶּיהָ יָרָקוֹת בִּימוֹת הַגְּשָׁמִים, אֲבָל לֹא בִּימוֹת הַחַמָּה; וְהַחֲזִירִין – לֹא בִּימוֹת הַחַמָּה וְלֹא בִּימוֹת הַגְּשָׁמִים. רַבִּי יוֹסֵי אוֹמֵר: אַף לֹא יָרָקוֹת בִּימוֹת הַגְּשָׁמִים, מִפְּנֵי שֶׁהַנְּבִיָּה נוֹשֶׁרֶת עֲלֵיהֶן וְהִיא לָהֶן לְזֶבֶל.

MISHNA **One may plant vegetables underneath**[H] an *ashera* **during the rainy season,** as the vegetables do not benefit from its shade; on the contrary, the tree's foliage prevents the vegetables from being properly irrigated by the rain. **But** one may **not** plant vegetables under an *ashera* **during the summer,** as the shade benefits them. **And lettuce** may not be planted there at all, **neither in the summer nor in the rainy season,** because shade is always beneficial to lettuce. **Rabbi Yosei says:** One may **not** plant **vegetables** under an *ashera* **even during the rainy season, because the** tree's **foliage** [***shehaneviyya***][L] **falls upon them and serves as fertilizer for them.**

גמ' לְמֵימְרָא, דְּרַבִּי יוֹסֵי סָבַר: זֶה וְזֶה גּוֹרֵם – אָסוּר, וְרַבָּנַן אָמְרִי: זֶה וְזֶה גּוֹרֵם – מוּתָּר?

GEMARA The mishna records a dispute between Rabbi Yosei and the Rabbis with regard to planting underneath an *ashera* in the rainy season when vegetables are fertilized by the tree's forbidden fallen foliage. As the plant is also fertilized by the permitted nutrients of the ground, the plant's growth is caused by both prohibited and permitted sources. Therefore, the Gemara asks: **Is this to say that Rabbi Yosei holds** that when both **this and that cause** it, i.e., when both permitted and forbidden items contribute to a result, the result is **forbidden,** and he therefore holds that it is prohibited to plant underneath an *ashera* in the rainy season; **and the Rabbis say** that when both **this and that cause** a result, the result is **permitted?**

הָא אִיפְּכָא שְׁמָעִינַן לְהוּ; דְּתָנַן, רַבִּי יוֹסֵי אוֹמֵר: שׁוֹחֵק וְזוֹרֶה לָרוּחַ אוֹ מַטִּיל לַיָּם. אָמְרוּ לוֹ: אַף הִיא נַעֲשָׂה זֶבֶל, וְנֶאֱמַר: "לֹא יִדְבַּק בְּיָדְךָ מְאוּמָה מִן הַחֵרֶם";

Didn't we hear that **they** stated **the opposite** rulings? **As we learned** in a mishna (43b): **Rabbi Yosei says:** When one encounters an idol, he should **grind** the idol **and throw** the dust **to the wind or cast** it **into the sea.** The Rabbis **said to him:** What is the good of that? **That also** gives a Jew benefit from the idol, as it **becomes fertilizer** for his crops, **and** deriving any kind of benefit is prohibited, as **it is written:** "And **nothing of the proscribed items shall cleave to your hand"** (Deuteronomy 13:18).

NOTES

One passed or one may pass – עָבַר אוֹ עוֹבֵר: All agree that the text of the mishna says: Passed [*avar*]. The one who maintains that passing underneath is actually permitted *ab initio* explains that the reason it is written as: Passed, is to keep it structurally parallel to the previous clause in the mishna, which concerns an *ashera* that was not overhanging public property: And if one passed beneath it he is ritually impure (Ra'ah).

An important person is different – אָדָם חָשׁוּב שָׁאנֵי: Since the general public takes note of an important person's actions and may learn from him without properly understanding the particular circumstances, it is incumbent upon him to be more scrupulous in his actions and go beyond the requirements of the *halakha*.

HALAKHA

One may plant vegetables underneath, etc. – זוֹרְעִין תַּחְתֶּיהָ יָרָקוֹת וכו': It is permitted to plant vegetables underneath an *ashera*, both during the summer and during the rainy season. This is because the vegetables' growth is caused both by the tree's forbidden foliage and by the ground's permitted nutrients, and the *halakha* is in accordance with the opinion of Rabbi Yosei that when something is brought about by both forbidden and permitted causes, it is permitted (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:14; *Shulḥan Arukh*, *Yoreh De'a* 142:11).

LANGUAGE

Foliage [*neviyya*] – נְבִיָּה: Some interpret this word as deriving from the root *nun*, *yod*, *bet*, meaning to bear fruit. It refers to all the leaves that grow from a tree. Others hold that this word refers only to leaves that a tree sheds.

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קַשְׁיָא דְּרַבָּנַן אַדְּרַבָּנַן, קַשְׁיָא דְּרַבִּי יוֹסֵי אַדְּרַבִּי יוֹסֵי!

The contradiction between the statement **of the Rabbis** in that mishna **and** the statement **of the Rabbis** in the mishna here is **difficult,** and the contradiction between the statement **of Rabbi Yosei** in that mishna **and** the statement **of Rabbi Yosei** here is **difficult.**

בְּשְׁלָמָא דְּרַבִּי יוֹסֵי אַדְּרַבִּי יוֹסֵי לָא קַשְׁיָא: הָתָם דְּקָאָזֵיל לְאִיבּוּד – מַתִּיר, הָכָא דְּלָא קָאָזֵיל לְאִיבּוּד – אָסוּר,

The Gemara explains: **Granted,** the contradiction between one statement **of Rabbi Yosei and** the other statement **of Rabbi Yosei** is **not difficult.** It may be resolved as follows: **There,** in the earlier mishna, **since** the ground-up idol is dispersed and is **going to be** completely **lost,**[N] Rabbi Yosei **permits** deriving benefit from the fertilizer. By contrast, in the mishna **here, where** the fallen leaves are **not going to be lost** so quickly, as they fall together on top of the vegetables and provide direct benefit as fertilizer, deriving benefit from them is **prohibited.**

אֶלָּא דְּרַבָּנַן אַדְּרַבָּנַן קַשְׁיָא! אֵיפּוֹךְ.

But the contradiction between one statement **of the Rabbis and** the other statement **of the Rabbis** is **difficult.** Therefore, the Gemara concludes: **Reverse** the attribution of the statements, so that the mishna teaches that it is the Rabbis who deem it prohibited to plant under an *ashera* in the rainy season, while Rabbi Yosei deems it permitted.

וְאִיבָּעֵית אֵימָא: לָא תֵּיפּוֹךְ, דְּרַבִּי יוֹסֵי – כִּדְשַׁנִּין, דְּרַבָּנַן – כִּדְאָמַר רַב מָרִי בְּרֵיהּ דְּרַב כָּהֲנָא: מַה שֶּׁמַּשְׁבִּיחַ בָּעוֹר פּוֹגֵם בַּבָּשָׂר,

And if you wish, say instead: **Do not reverse** the statements. The contradiction between the statements **of Rabbi Yosei** can be resolved **as we answered** before. The contradiction between the statements **of the Rabbis** can be resolved **in accordance with that which Rav Mari, son of Rav Kahana, says** about an animal offering that became disqualified for sacrifice. The *halakha* is that this animal is sold and the proceeds are dedicated to the Temple treasury. One may not skin the hide of the animal whole even though this would make the hide more valuable than if it were cut up into pieces. Rav Mari, son of Rav Kahana, explains that this is because the value **that is enhanced with regard to the hide**[N] is offset by **the damage caused to the flesh.** The process of skinning the hide devalues the animal's flesh; therefore, there is no overall monetary gain for the Temple treasury.

הָכָא נַמִי, מַה שֶּׁמַּשְׁבִּיחַ בַּנְּבִיָּה פּוֹגֵם בַּצֵּל.

Here too, the value **that is enhanced** with regard to the planted vegetables **by the foliage** of the tree is offset by **the damage caused by** its **shade.** Therefore, since there is no overall benefit gained from the *ashera,* the Rabbis deem it permitted to plant underneath it in the winter.

וְסָבַר רַבִּי יוֹסֵי: זֶה וְזֶה גּוֹרֵם אָסוּר? וְהָתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: נוֹטְעִין יְחוּר שֶׁל עָרְלָה, וְאֵין נוֹטְעִין אֱגוֹז שֶׁל עָרְלָה, מִפְּנֵי שֶׁהוּא פִּרְי; וְאָמַר רַב יְהוּדָה אָמַר רַב: מוֹדֶה רַבִּי יוֹסֵי, שֶׁאִם נָטַע וְהִבְרִיךְ וְהִרְכִּיב – מוּתָּר;

The Gemara asks: **And does Rabbi Yosei hold** that when **both this and that cause it,** i.e., when both permitted and forbidden items contribute to a result, the result is **forbidden? But isn't it taught** in a mishna (*Orla* 1:9) that **Rabbi Yosei says: One may plant the branch of an *orla*** tree,[H] i.e., a tree during the first three years after its planting, despite the prohibition against eating or deriving benefit from its fruit; **but one may not plant an *orla* nut, because it is a fruit. And Rav Yehuda says** that **Rav says: Rabbi Yosei concedes that if one planted** an *orla* nut, **or sank** the shoot of an *orla* tree into the ground, **or grafted** an *orla* tree, deriving benefit from that which grows as a result is **permitted.** This is apparently because the growth is caused by both a forbidden cause, the *orla* nut, and a permitted cause, the ground's nutrients.

וְתַנְיָא נַמִי הָכִי: מוֹדֶה רַבִּי יוֹסֵי

The Gemara adds: **And that** which Rav Yehuda says that Rav says **is also taught** in a *baraita*: **Rabbi Yosei concedes**

NOTES

There since it is going to be lost – הָתָם דְּקָאָזֵיל לְאִיבּוּד: Rashi explains that since one grinds the idol into dust and tosses it into the wind in order to eradicate it, it is no longer forbidden. *Tosafot* question this interpretation and prefer a practical explanation. They explain that not enough of the ground-up idol will gather in one place to cause benefit.

That is enhanced with regard to the hide – מַה שֶּׁמַּשְׁבִּיחַ בָּעוֹר: The normal way of skinning the hide of an animal is to make an incision along the width of the animal and to peel back the hide from there. There is another method used when one wants to convert the hide into a flask or a similar object that requires the whole hide intact. In that case he makes incisions at the animal's legs and from there he proceeds to peel back the entire hide. The *baraita* in *Temura* (24a) states that it is prohibited to use this second method on consecrated animals that have been disqualified even though the Temple treasury stands to benefit from the higher value of this kind of hide. Rav Mari explains that the reason is that the very process used to skin the hide whole damages the animal's flesh and causes an overall loss in its value. From this it is derived in the Gemara that when an action leads to both a benefit and a loss, the two outcomes are taken into consideration and the overall effect determines the *halakha*.

HALAKHA

One may plant the branch of an *orla* tree – נוֹטְעִין יְחוּר שֶׁל עָרְלָה: It is prohibited to plant the fruit of an *orla* tree; but if one does so, the fruit that grows is permitted as it is a result of both forbidden and permitted causes. Some say the fruit is permitted only after three years (*Taz*). It is permitted to plant a branch of an *orla* tree, because it is prohibited to derive benefit only from the tree's fruit, not from the tree itself (Rambam *Sefer Zera'im*, *Hilkhot Neta Revai* 10:20; *Shulḥan Arukh*, *Yoreh De'a* 294:12).

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שֶׁאִם נָטַע וְהִבְרִיךְ וְהִרְכִּיב – מוּתָּר!

that if one planted an *orla* nut, **or sank** the shoot of an *orla* tree into the ground, **or grafted** an *orla* tree, that which grows as a result is **permitted.**

וְכִי תֵּימָא, שָׁנֵי לֵיהּ לְרַבִּי יוֹסֵי בֵּין שְׁאָר אִיסּוּרִין לַעֲבוֹדָה זָרָה, וּמִי שָׁנֵי לֵיהּ? וְהָתַנְיָא: שָׂדֶה שֶׁנִּזְדַּבְּלָה בְּזֶבֶל עֲבוֹדָה זָרָה, וְכֵן פָּרָה שֶׁנִּתְפַּטְּמָה בְּכַרְשִׁינֵי עֲבוֹדָה זָרָה – תָּנֵי חֲדָא: שָׂדֶה תִּזָּרַע, פָּרָה תִּשָּׁחֵט, וְתַנְיָא אִידָךְ: שָׂדֶה תֵּבוֹר, וּפָרָה תִּרְוֶה;

And if you would say that this is not difficult, as **Rabbi Yosei distinguishes between** items that are forbidden due to **other prohibitions and** items that are forbidden due to **idol worship, does he** indeed **distinguish** in this manner? **But isn't it taught** that with regard to **a field that was fertilized with dung** that came from an animal used in **idol worship, and similarly,** with regard to **a cow that was fattened with vetches** used in **idol worship,** there are opposing opinions: **It is taught** in **one** *baraita* that the **field may be sown**[H] in the normal manner and the **cow may be slaughtered** and eaten, **and it is taught** in **another** *baraita* that the **field should be left fallow, and** the **cow should be made lean,** until the effects of the dung or vetches have passed.

מַאי לָאו הָא רַבִּי יוֹסֵי וְהָא רַבָּנַן? לָא, הָא רַבִּי אֱלִיעֶזֶר וְהָא רַבָּנַן.

What, is it not that **this** *baraita* that rules leniently is in accordance with the opinion of **Rabbi Yosei,** who holds that when both permitted and forbidden items contribute to a result, the result is permitted, **and that** *baraita* that rules stringently is in accordance with the opinion of **the Rabbis?** If so, it is clear that Rabbi Yosei does not distinguish between other prohibitions and idol worship, as in this case of idol worship he still permits the result of permitted and forbidden causes. The Gemara answers: **No,** these *baraitot* do not reflect the opinions of Rabbi Yosei and the Rabbis. Rather, **this** *baraita* is in accordance with the opinion of **Rabbi Eliezer, and that** *baraita* is in accordance with the opinion of **the Rabbis,** who disagree with him.

הֵי רַבִּי אֱלִיעֶזֶר וְרַבָּנַן? אִילֵימָא רַבִּי אֱלִיעֶזֶר וְרַבָּנַן דִּשְׁאוֹר,

The Gemara asks: **Which** dispute between **Rabbi Eliezer and the Rabbis** is referred to here? **If we say** that it is the dispute between **Rabbi Eliezer and the Rabbis with regard to leaven,** that dispute does not necessarily correspond to the controversy between these two *baraitot*.

דְּתָנַן: שְׁאוֹר שֶׁל חוּלִּין וְשֶׁל תְּרוּמָה שֶׁנָּפְלוּ לְתוֹךְ הָעִיסָּה, לֹא בְּזֶה כְּדֵי לְחַמֵּץ וְלֹא בְּזֶה כְּדֵי לְחַמֵּץ, וְנִצְטָרְפוּ וְחִימְּצוּ,

As we learned in a mishna (*Orla* 2:11): In the case of **non-sacred leaven**[H] **and** ***teruma*** leaven **that fell into** a non-sacred **batch of dough,** and **this one** alone was **not** potent enough **to cause** the dough **to become leavened, and that one** alone was **not** potent enough **to cause** the dough **to become leavened, and they combined and caused** the dough **to become leavened,** there is a dispute as to whether this dough has the status of *teruma*, and is therefore forbidden to non-priests, or whether it has the status of non-sacred bread.

רַבִּי אֱלִיעֶזֶר אוֹמֵר: אַחַר הָאַחֲרוֹן אֲנִי בָּא, וַחֲכָמִים אוֹמְרִים: בֵּין שֶׁנָּפַל אִיסּוּר לְכַתְּחִלָּה וּבֵין שֶׁנָּפַל אִיסּוּר לְבַסּוֹף – אֵינוֹ אָסוּר עַד שֶׁיְּהֵא בּוֹ כְּדֵי לְחַמֵּץ;

Rabbi Eliezer says: I follow the final element that fell into the dough. If the *teruma* fell in last, the dough is forbidden to non-priests. **And the Rabbis say: Whether** the **forbidden item,** i.e., the *teruma*, **fell** in **first, or whether** the **forbidden item fell** in **last,** the dough **is not forbidden unless there is enough of** the forbidden leaven alone **to cause** the dough **to become leavened.**

HALAKHA

The field may be sown, etc. – שָׂדֶה תִּזָּרַע וכו': It is permitted to plant in a field that was fertilized by dung used in idol worship. Similarly, it is permitted to slaughter and eat from a cow that was fattened with vetch that was used in idol worship. Later authorities cite the Ran, who adds that though these benefits may be enjoyed after the fact, materials used in idolatrous worship should not be used *ab initio* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:14; *Shulḥan Arukh*, *Yoreh De'a* 142:11).

Non-sacred leaven, etc. – שְׁאוֹר שֶׁל חוּלִּין וכו': If leaven of *teruma* and of diverse kinds planted in a vineyard fell into non-sacred dough and neither one alone is potent enough to cause the dough to rise, the resulting dough is forbidden to a Israelite and permitted to a priest (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:13).

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וְאָמַר אַבָּיֵי: לֹא שָׁנוּ אֶלָּא שֶׁקָּדַם וְסִילֵּק אֶת הָאִיסּוּר, אֲבָל לֹא קָדַם וְסִילֵּק אֶת הָאִיסּוּר – אָסוּר;

And Abaye says: Rabbi Eliezer **taught** that when the permitted leaven fell in last, the mixture is permitted **only** in a case **where one first removed the forbidden** leaven, before the permitted leaven fell into the dough and made it rise. **But** if **one did not first remove the forbidden** leaven, the dough is **forbidden** even if the permitted leaven fell in last. Apparently, Rabbi Eliezer holds that when both permitted and forbidden leaven cause dough to become leavened, the dough is forbidden.

וּמִמַּאי דְּטַעְמָא דְּרַבִּי אֱלִיעֶזֶר כִּדְאַבָּיֵי? דִּלְמָא טַעְמָא דְּרַבִּי אֱלִיעֶזֶר מִשּׁוּם דְּאַחַר אַחֲרוֹן אֲנִי בָּא, אִי גָּמֵיר בְּאִיסּוּרָא – אֲסוּרָה, וְאִי גָּמֵיר בְּהֶיתֵּירָא – מוּתָּרִין, בֵּין סַלְּקֵיהּ וּבֵין לָא סַלְּקֵיהּ!

The Gemara rejects this interpretation: **But from where** is it apparent **that the reason** for the opinion **of Rabbi Eliezer is in accordance with Abaye's** explanation? **Perhaps the reason** for the opinion **of Rabbi Eliezer is as** he says explicitly: **I follow** the **final** element. **If** the dough's leavening is **completed by** the **forbidden** item, it is **forbidden; and if** it is **completed by** the **permitted** item,[N] it is **permitted.** And this is the *halakha* **whether one removed** the forbidden item **or whether one did not remove** the forbidden item. Accordingly, Rabbi Eliezer does not necessarily hold that when both a forbidden and a permitted item contribute to a result, the result is forbidden.

אֶלָּא רַבִּי אֱלִיעֶזֶר וְרַבָּנַן דְּעֵצִים,

Rather, the two conflicting *baraitot* cited with regard to a field fertilized with dung used in idol worship can be attributed in accordance with the opinions of **Rabbi Eliezer and the Rabbis with regard to wood** from an *ashera* tree.

דְּתָנַן: נָטַל הֵימֶנָּה עֵצִים – אֲסוּרָה בַּהֲנָאָה. הִסִּיק בָּהּ אֶת הַתַּנּוּר – חָדָשׁ יוּתַּץ, יָשָׁן יוּצַן. אָפָה בּוֹ אֶת הַפַּת – אֲסוּרָה בַּהֲנָאָה.

As we learned in a mishna (49b): If one **took wood from** an *ashera*, it is **prohibited to** derive **benefit** from it. In a case where one **kindled** a fire in **an oven with** the wood, if it is **a new** oven and by kindling the fire he hardened the oven and made it stronger for use in the future, then the oven **must be shattered.** Since forbidden items were used in the process of forming the oven, one may not derive benefit from the use of the forbidden items. But if it is **an old** oven **it may be cooled;** it is prohibited to use the oven only while it is still hot. If one **baked bread with** wood from the *ashera* as the fuel, it is **prohibited to** derive **benefit**[N] from the bread.

נִתְעָרְבָה בַּאֲחֵרִים – כּוּלָּן אֲסוּרוֹת בַּהֲנָאָה, רַבִּי אֱלִיעֶזֶר אוֹמֵר: יוֹלִיךְ הֲנָאָה לְיַם הַמֶּלַח, אָמְרוּ לוֹ: אֵין פִּדְיוֹן לַעֲבוֹדָה זָרָה;

If this bread **was intermingled with other** bread, it is **prohibited to** derive **benefit** from **all** the bread. **Rabbi Eliezer says:** One must take the **benefit** and **cast** it **into the Dead Sea.** In other words, one is not required to destroy the bread. Instead, one should designate money equal in value to the wood that he used from the *ashera*, and he should destroy this money to offset the benefit he derived from the forbidden wood. The Rabbis **said to him: There is no** monetary **redemption for** objects that are forbidden due to **idol worship.** Once the bread becomes forbidden, it cannot be redeemed by having the value of the forbidden wood cast into the Dead Sea. In any event, Rabbi Eliezer apparently holds that the result of both forbidden and permitted causes is forbidden, as the bread was baked with both forbidden fuel, i.e., the wood from the *ashera*, and the permitted oven.

רַבָּנַן דְּפִלִיגִי עֲלֵיהּ דְּרַבִּי אֱלִיעֶזֶר מַאן נִינְהוּ?

The Gemara asks: If the two conflicting *baraitot* cited with regard to a field fertilized with dung used in idol worship are attributed in accordance with the opinions of Rabbi Eliezer and the Rabbis, and if this is referring to Rabbi Eliezer's statement with regard to bread baked in an oven that was heated with fuel from an *ashera*, then **who are the Rabbis who disagree with Rabbi Eliezer,** to whom the other *baraita* is attributed?[N]

NOTES

And if it is completed by the permitted item – וְאִי גָּמֵיר בְּהֶיתֵּירָא: The reasoning behind this ruling is that since the first leaven was not capable of making the dough rise, its effect it considered insignificant in comparison with the second leaven, which actually caused the dough to rise.

NOTES

If one baked bread with it, it is prohibited to derive benefit – אָפָה בּוֹ אֶת הַפַּת אֲסוּרָה בַּהֲנָאָה: If the wood from a worshipped tree was used in an old oven, anything baked in that oven before it has cooled down is forbidden because one would be deriving benefit from the wood of the worshipped tree, which helped fuel the oven to bring it to its current temperature. Once it has cooled, items baked in the oven later are not rendered forbidden. By contrast, if the wood was used in a new oven, even if it has since cooled, the bread baked in it, even with permitted fuel, is forbidden. This is because the wood used in the initial kindling helped finalize the construction of the oven, which was made from clay that was hardened by the heat. Therefore, everything subsequently baked in that oven is essentially benefiting from the wood that was used initially.

Who are they – מַאן נִינְהוּ: Meaning, though one can contend that the *baraita* that prohibits deriving benefit from a field fertilized with dung used in idol worship is in accordance with the opinion of Rabbi Eliezer, no opinion has been found to support the other *baraita*. Therefore, it must be concluded that the lenient ruling is in accordance with the opinion of Rabbi Yosei, which reintroduces the original question, that on the one hand he permits deriving benefit from the field despite it being partially fertilized by material used in idol worship, and on the other hand he prohibits planting vegetables underneath a worshipped tree because they will be fertilized by the tree's foliage.

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אִילֵימָא רַבָּנַן דְּעֵצִים – אַחְמוּרֵי מַחְמְרִי!

If we say that the reference is to **the Rabbis** who disagree with Rabbi Eliezer **with regard to** bread baked with **wood** from an *ashera*, this cannot be, as they are even more **stringent** than Rabbi Eliezer with regard to this matter. Not only do they deem bread that was baked with both forbidden and permitted fuel to be forbidden, but they require that it be destroyed and not redeemed. In others words, with regard to the status of the bread there is no dispute; all agree that it is forbidden. Therefore, both opinions are in accordance with the *baraita* that prohibits the result of both forbidden and permitted causes.

אֶלָּא רַבָּנַן דִּשְׁאוֹר; אֵימַר דִּשָּׁמַעְתְּ לְהוּ לְרַבָּנַן דְּמַקִּילִי – בִּשְׁאוֹר, בַּעֲבוֹדָה זָרָה מִי מְקִילִי?

If the reference is **rather** to **the Rabbis** who disagree with Rabbi Eliezer **with regard to** *teruma* **leaven** that mixed with non-sacred leaven, as the Rabbis permit the mixture as long as the *teruma* leaven was not potent enough to cause the dough to rise, the more lenient of the two *baraitot* cannot be attributed in accordance with this opinion either; as **say that you heard that** these **Rabbis are lenient with regard to** the case of **leaven;** does that mean that **they are lenient with regard to** cases involving items of **idol worship?**

אֶלָּא לְעוֹלָם הָא רַבִּי יוֹסֵי וְהָא רַבָּנַן;

As a result of this question, the Gemara retracts its suggestion that Rabbi Yosei's opinion in the mishna is based on the opinion that a result caused by both permitted and forbidden items is forbidden. **Rather,** Rabbi Yosei holds that the result is permitted, as is evident from the case of a ground-up and dispersed object of idol worship and from the case of a planted *orla* nut. Therefore, the *baraitot* can **actually** be attributed as follows: **This** *baraita* that permits the use of the field is in accordance with the opinion of **Rabbi Yosei, and that** *baraita* that prohibits its use is in accordance with the opinion of **the Rabbis.**

רַבִּי יוֹסֵי לְדִבְרֵיהֶם דְּרַבָּנַן אֲמַר לְהוּ: לְדִידִי זֶה וְזֶה גּוֹרֵם מוּתָּר,

And as for the mishna, which seems to indicate that Rabbi Yosei holds that when a result is caused by both permitted and forbidden items it is forbidden, the Gemara explains that **Rabbi Yosei** was not expressing his own opinion. Rather, when he said that one may not plant vegetables under an *ashera* even during the rainy season, he said so **in accordance with the statement of the Rabbis** that a result caused by both permitted and forbidden items is forbidden. Rabbi Yosei **said to them: According to my** own opinion, when both **this and that cause** it, i.e., when both permitted and forbidden items contribute to a result, the result is **permitted.** It is therefore permitted to plant vegetables under an *ashera* during all seasons.

לְדִידְכוּ דְּאָמְרִיתוּ זֶה וְזֶה גּוֹרֵם אָסוּר, אוֹדוּ לִי מִיהַת אַף יְרָקוֹת בִּימוֹת הַגְּשָׁמִים!

But **according to your** opinion, **as you say** that when both **this and that cause** a result it is **prohibited,** as seen from your ruling that it is prohibited to plant under an *ashera* during the summer because of the positive effect of the *ashera* tree's shade, you should **concede to me, in any event,** that planting the **vegetables even during the rainy season,** when there is no shade, is prohibited, because they are fertilized by the fallen foliage.

וְרַבָּנַן? כִּדְאָמַר רַב מָרִי בְּרֵיהּ דְּרַב כָּהֲנָא.

The Gemara asks: **And** how would **the Rabbis** reply to Rabbi Yosei's point? The Gemara answers: They would reply **in accordance with** the aforementioned statement **that Rav Mari, son of Rav Kahana, says** (48b), that when a certain activity causes both a benefit and a greater or equal loss, it is not regarded as a benefit. Here, the positive effect on the plant from the tree's foliage is offset by the fact that its shade prevents rainwater from reaching the plant. Therefore, since there is no overall benefit gained from the *ashera*, the Rabbis permit planting underneath it in the winter.

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הֲלָכָה כְּרַבִּי יוֹסֵי. הַהוּא גִּינְּתָא דְּאִיזְדַּבַּל בְּזִבְלָא דַּעֲבוֹדָה זָרָה, שְׁלַח רַב עַמְרָם קַמֵּיהּ דְּרַב יוֹסֵף; אֲמַר לֵיהּ, הָכִי אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הֲלָכָה כְּרַבִּי יוֹסֵי.

The Gemara concludes: **Rav Yehuda says** that **Shmuel says:** The ***halakha*** is **in accordance with** the opinion of **Rabbi Yosei.** The Gemara recounts an incident supporting this ruling: There was **a certain garden that was fertilized with dung that** came from an animal used in **idol worship. Rav Amram sent** a query **to Rav Yosef,** asking what the *halakha* is in such a case. Rav Yosef **said to him** that **this** is what **Rav Yehuda says** that **Shmuel says:** The ***halakha*** is **in accordance with** the opinion of **Rabbi Yosei;** the produce of the garden is therefore permitted.

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מתני׳ נָטַל מִמֶּנָּה עֵצִים – אֲסוּרִין בַּהֲנָאָה. הִסִּיק בָּהֶן אֶת הַתַּנּוּר, אִם חָדָשׁ – יוּתַּץ, וְאִם יָשָׁן – יוּצַן. אָפָה בּוֹ אֶת הַפַּת – אֲסוּרָה בַּהֲנָאָה.

MISHNA If one **took wood from** an *ashera*,[H] it is **prohibited to** derive **benefit** from it. In a case where one **kindled** a fire in **an oven with** the wood, **if** it is **a new** oven and by kindling the fire he hardened the oven and made it stronger for use in the future, then the oven **must be shattered.** Since forbidden items were used in the process of forming the oven, one may not derive benefit from the use of the forbidden items. **But if** it is **an old** oven **it may be cooled;** it is prohibited to use the oven only while it is still hot. If one **baked bread with** wood from the *ashera*[H] as the fuel, it is **prohibited to** derive **benefit** from the bread.

נִתְעָרְבָה בַּאֲחֵרוֹת – כּוּלָּן אֲסוּרוֹת בַּהֲנָאָה, רַבִּי אֱלִיעֶזֶר אוֹמֵר: יוֹלִיךְ הֲנָאָה לְיַם הַמֶּלַח, אָמְרוּ לוֹ: אֵין פִּדְיוֹן לַעֲבוֹדָה זָרָה.

If this bread **was intermingled with other** bread,[H] it is **prohibited to** derive **benefit** from **all** the bread. **Rabbi Eliezer says:** One must take the **benefit** and **cast** it **into the Dead Sea.**[N] In other words, one is not required to destroy all of the loaves. Instead, one should designate money equal in value to the wood that he used from the *ashera*, and he should destroy this money to offset the benefit he derived from the forbidden wood. The Rabbis **said to him: There is no** monetary **redemption for** objects that are forbidden due to **idol worship.**[N] Once the bread becomes forbidden, it cannot be redeemed by having the value of the forbidden wood cast into the Dead Sea.

נָטַל הֵימֶנָּה כַּרְכּוֹר – אָסוּר בַּהֲנָאָה. אָרַג בּוֹ אֶת הַבֶּגֶד – אָסוּר בַּהֲנָאָה. נִתְעָרֵב בַּאֲחֵרִים וַאֲחֵרִים בַּאֲחֵרִים – כּוּלָּן אֲסוּרִין בַּהֲנָאָה, רַבִּי אֱלִיעֶזֶר אוֹמֵר: יוֹלִיךְ הֲנָאָה לְיַם הַמֶּלַח, אָמְרוּ לוֹ: אֵין פִּדְיוֹן לַעֲבוֹדָה זָרָה.

If one **took** wood **from** an *ashera* for use as a weaving **shuttle** [*karkor*],[HLB] it is **prohibited to** derive **benefit** from it. If one **wove a garment with it,** it is **prohibited to** derive **benefit** from the garment. If the garment **was intermingled with other** garments, **and** those **other** garments were intermingled **with others,** it is **prohibited to** derive **benefit** from **all of them. Rabbi Eliezer says:** One must take the **benefit** and **cast** it **into the Dead Sea.** The Rabbis **said to him: There is no** monetary **redemption for** objects that are forbidden due to **idol worship.**

גמ׳ וּצְרִיכָא, דְּאִי אַשְׁמַעִינַן קַמַּיְיתָא – בְּהָא קָאָמַר רַבִּי אֱלִיעֶזֶר, מִשּׁוּם דִּבְעִידָּנָא דְּקָא גָּמְרָה פַּת קָלֵי לָהּ אִיסּוּרָא, אֲבָל כַּרְכּוֹר, דְּאִיתֵּיהּ לְאִיסּוּרָא בְּעֵינֵיהּ – אֵימָא מוֹדֵי לְרַבָּנַן;

GEMARA The mishna presents two cases where Rabbi Eliezer and the Rabbis disagree. The Gemara explains: **And** both are **necessary; as if** the mishna **had taught us** only **the first** case, concerning the forbidden bread, one might have thought that it is only **in this** case that **Rabbi Eliezer says** that the bread is permitted after casting the value gained from the forbidden wood into the Dead Sea, **because at the time that the bread has finished** baking, the **forbidden** wood **has burned** up. **But** in the case of the **shuttle, where** the original **forbidden** piece of wood **is** still **extant,** perhaps one will **say** that **he concedes to the Rabbis** that the forbidden garment may not be redeemed.

NOTES

Take the benefit and cast it into the Dead Sea – יוֹלִיךְ הֲנָאָה לְיַם הַמֶּלַח: The early commentaries discuss which benefit is being referred to here. According to Rabbeinu Ḥananel, Rashi, and the Ra'avad, the statement is referring to benefit from the wood. Therefore, one must cast away a sum of money that is equal in value to the wood itself. This process can be performed to permit even the original forbidden bread, even if it was not intermingled with other loaves. According to *Tosafot* and the Rambam, the original bread that was baked in the oven with the forbidden wood is forbidden and can never be redeemed. Rather, the benefit referred to here is the value of the loaf of bread (see also Ramban and Rabbeinu Yehuda of Birina).

There is no redemption for idol worship – אֵין פִּדְיוֹן לַעֲבוֹדָה זָרָה: The dispute between Rabbi Eliezer and the Rabbis is rooted in the comparison of redeeming the value of an idolatrous item and redeeming items consecrated to the Temple treasury. The Rabbis hold that since the forbidden substance remains intact and the owner casts away money in its place, this is similar to the redemption process used in redeeming consecrated items. Consequently, their objection is due to the fact that the concept of redeeming items is stated only with regard to consecrated items and not with regard to items used for idolatry. Rabbi Eliezer does not consider the process here as being similar to the redemption of consecrated items; it merely ensures that the owner does not derive monetary benefit from the forbidden item that was intermingled with his item (see *Milḥamot HaShem*).

LANGUAGE

Shuttle [*karkor*] – כַּרְכּוֹר: From the Greek κερκίς, *kerkis*, meaning weaver's shuttle.

BACKGROUND

Shuttle – כַּרְכּוֹר:

Wooden shuttle used for weaving

HALAKHA

Took wood from an *ashera* – נָטַל מִמֶּנָּה עֵצִים: It is prohibited to derive benefit from the wood taken from an *ashera*. If the wood was used to fuel an oven, once the oven is cooled and fueled with other wood, it is permitted to use the oven. This applies both to an old oven and a new one. This is in accordance with the *baraita* cited in *Pesaḥim* (26b), which is in accordance with the opinion that when an outcome is produced by both permitted and prohibited causes, the result is permitted (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:13; *Shulḥan Arukh*, *Yoreh De'a* 142:4).

Baked bread with wood from the *ashera* – אָפָה בּוֹ אֶת הַפַּת: If an oven was fueled by wood taken from an *ashera*, as long as the oven has not been cooled it is prohibited to derive benefit from all the bread baked therein. The Rema, citing the *Beit Yosef*, contends that this is the *halakha* only when the bread is baked directly opposite the forbidden wood. Many later authorities disagree and prohibit the bread in all cases. If all the fuel is cleared from the oven and bread is baked with the residual heat, it is permitted. According to the Gra this applies only to an old oven but not to a new one whose construction is solidified and completed with heat from the forbidden wood. Others are strict even with regard to an old oven (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:13; *Shulḥan Arukh*, *Yoreh De'a* 142:4, and see *Taz*, *Shakh*, and *Beur HaGra* there).

Was intermingled with other bread – נִתְעָרְבָה בַּאֲחֵרוֹת: In a case where bread that was baked in an oven fueled by *ashera* wood was then mixed with permitted loaves of bread, one should cast money equivalent to the value of the forbidden bread into the Dead Sea and the other loaves are then permitted. Some explain that one can cast the money to any location where it will be lost forever. Similarly, one can burn or bury the money to prevent benefit being derived from it (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:13; *Shulḥan Arukh*, *Yoreh De'a* 142:4 and *Shakh* there).

Took wood from it for use as a shuttle – נָטַל הֵימֶנָּה כַּרְכּוֹר: If one took wood from an *ashera* for use as a weaving shuttle, it is prohibited to derive benefit from any garments that were woven with it. If those garments were intermingled with others, he should cast money that is equivalent to the value of the forbidden garment and the rest are then permitted. This is in accordance with the opinion of Rabbi Eliezer (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:14; *Shulḥan Arukh*, *Yoreh De'a* 142:3).

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HALAKHA

Take four dinars – שְׁקוֹל אַרְבַּע זוּזֵי: If a gentile's nondescript wine, which is forbidden by rabbinic decree, is mixed with a Jew's permitted wine, it is prohibited to drink from the mixture. The owner may sell the mixture to a gentile and then he is required to cast away money that is equivalent to the value of the forbidden wine so as not to derive benefit from it. Similarly, if a barrel of a gentile's nondescript wine, or even a barrel of wine used for an idolatrous libation, is intermingled with barrels of a Jew's permitted wine, it is prohibited to drink from any of them. The owner may sell all the barrels to a gentile and then he is required to cast away money equivalent to the value of the barrel of forbidden wine (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:29; *Shulḥan Arukh*, *Yoreh De'a* 134:2).

How does one revoke, etc. – כֵּיצַד מְבַטְּלָהּ וכו': If a gentile removes branches or even a single leaf from an *ashera*, its idolatrous status is thereby revoked. Both the removed piece and the tree itself are permitted. If he removed a piece from it for its own purposes; e.g., to improve its appearance, the tree's idolatrous status is not revoked and it remains forbidden, but the piece that he removed is permitted (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:12; *Shulḥan Arukh*, *Yoreh De'a* 146:6).

וְאִי אַשְׁמַעִינַן כַּרְכּוֹר – בְּהָא קָאָמְרִי רַבָּנַן, אֲבָל פַּת – אֵימָא מוֹדוּ לֵיהּ לְרַבִּי אֱלִיעֶזֶר, צְרִיכָא.

And if the mishna **had taught us** only the case of the **shuttle,** one might have thought that it is only **in this** case that **the Rabbis say** that the forbidden garment may not be redeemed, because the original forbidden piece of wood is still extant. **But** in the case of the **bread,** where the forbidden wood was already burned up by the time the bread finished baking, perhaps one will **say** that **they concede to Rabbi Eliezer** that the bread may be redeemed. Therefore, both cases are **necessary.**

אָמַר רַב חִיָּיא בְּרֵיהּ דְּרַבָּה בַּר נַחְמָנִי אָמַר רַב חִסְדָּא אָמַר זְעֵירִי: הֲלָכָה כְּרַבִּי אֱלִיעֶזֶר. אִיכָּא דְּאָמְרִי, אָמַר רַב חִסְדָּא: אֲמַר לִי אַבָּא בַּר רַב חִסְדָּא, הָכִי אָמַר זְעֵירִי: הֲלָכָה כְּרַבִּי אֱלִיעֶזֶר.

Rav Ḥiyya, son of Rabba bar Naḥmani, says that **Rav Ḥisda says** that **Ze'eiri says:** The ***halakha*** is **in accordance with** the opinion of **Rabbi Eliezer. There are** those **who say** there is a different version of this ruling: **Rav Ḥisda says: Abba bar Rav Ḥisda said to me** that **this** is what **Ze'eiri says:** The ***halakha*** is **in accordance with** the opinion of **Rabbi Eliezer.**

אָמַר רַב אַדָּא בַּר אַהֲבָה: לֹא שָׁנוּ אֶלָּא פַּת, אֲבָל חָבִית – לֹא; וְרַב חִסְדָּא אָמַר: אֲפִילּוּ חָבִית מוּתֶּרֶת.

Rav Adda bar Ahava says: They taught that the *halakha* is in accordance with the opinion of Rabbi Eliezer **only** in the case of forbidden **bread. But** with regard to the case of **a barrel** of wine used for an idolatrous libation, which was intermingled with permitted barrels of wine, the *halakha* is **not** in accordance with the opinion of Rabbi Eliezer. **And Rav Ḥisda says: Even** in the case of **a barrel** of libation wine, the wine in the other barrels is **permitted** once the value of the forbidden barrel has been cast into the Dead Sea.

הַהוּא גַּבְרָא דְּאִיתְעָרַב לֵיהּ חֲבִיתָא דְּיֵין נָסֵךְ בְּחַמְרֵיהּ, אֲתָא לְקַמֵּיהּ דְּרַב חִסְדָּא, אֲמַר: שְׁקוֹל אַרְבַּע זוּזֵי וּשְׁדֵי בְּנַהֲרָא, וְנִשְׁתְּרֵי לָךְ.

The Gemara relates: There was **a certain man,** and it happened **that a barrel of wine** used for **a libation**[N] **became intermingled with his wine. He came before Rav Ḥisda** to ask what he should do. Rav Ḥisda **said** to him: **Take four dinars**[H] **and cast** them **into the river, and** the rest of the wine **will be permitted to you.**

מתני' כֵּיצַד מְבַטְּלָהּ? קִיְּרֵס וְזִיֵּרַד, נָטַל מִמֶּנָּה מַקֵּל אוֹ שַׁרְבִּיט, אֲפִילּוּ עָלֶה – הֲרֵי זֶה בִּטְּלָהּ. שִׁיפָּהּ, לְצָרְכָּהּ – אֲסוּרָה, שֶׁלֹּא לְצָרְכָּהּ – מוּתֶּרֶת.

MISHNA **How does one revoke**[H] the idolatrous status of an *ashera*? If a gentile **trimmed** dry wood **or pruned** green wood from the tree for his own benefit, or if he **removed from it a stick,**[N] **or a rod,** or **even a leaf, he has** thereby **revoked** its idolatrous status, as he has proven that he no longer worships it. If a gentile **shaved down** the tree **for its** own **sake,** to improve its appearance, it remains **prohibited** to derive benefit from it. If he shaved it down **not for its** own **sake,** it is **permitted.**

גמ' אוֹתָן שְׁפָאִין מַה תְּהֵא עֲלֵיהֶן? פְּלִיגִי בָּהּ רַב הוּנָא וְרַבִּי חִיָּיא בַּר רַב, חַד אָמַר: אֲסוּרִין, וְחַד אָמַר: מוּתָּרִין.

GEMARA With regard to **those shavings** that were shaved off for the sake of the *ashera*, **what should be** done **with them? Rav Huna and Rabbi Ḥiyya bar Rav disagree about it; one says** the shavings **are forbidden and one says they are permitted.**

תַּנְיָא כְּמַאן דְּאָמַר מוּתָּרִין; דְּתַנְיָא: גּוֹי שֶׁשִּׁיפָּה עֲבוֹדָה זָרָה, לְצָרְכּוֹ – הִיא וּשְׁפָאֶיהָ מוּתָּרִין, לְצָרְכָּהּ – הִיא אֲסוּרָה וּשְׁפָאֶיהָ מוּתָּרִין; וְיִשְׂרָאֵל שֶׁשִּׁיפָּה עֲבוֹדָה זָרָה, בֵּין לְצָרְכָּהּ בֵּין לְצָרְכּוֹ – הִיא וּשְׁפָאֶיהָ אֲסוּרִין.

It is taught in a *baraita* **in accordance with the one who says** that the shavings **are permitted, as it is taught** in a *baraita*: In the case of **a gentile who shaved down** an object of **idol worship for his** own **sake,** as he wished to use the shavings, the tree **and its shavings are permitted.** The idolatrous status has been revoked from both the object and its shavings. If he shaved it **for its,** i.e., for the idol's, own **sake, it** remains **forbidden, but its shavings are permitted. And** in the case of **a Jew who shaved down** an object of **idol worship, whether for its sake or for his** own **sake,** the object **and its shavings** remain **forbidden,** as a Jew cannot revoke an object's idolatrous status.

NOTES

Wine used for a libation – יֵין נָסֵךְ: According to the Rif and others, what is meant here is not wine actually used in idolatrous libations, from which it would be prohibited to derive benefit by Torah law. Rather, it is referring to nondescript wine that belonged to gentiles, which is forbidden by rabbinic law. The Ra'avad and others understand that even wine used in an idolatrous libation is permitted through this process of casting away the benefit.

Removed from it a stick, etc. – נָטַל מִמֶּנָּה מַקֵּל וכו': Since he removed a piece of the tree for his own purposes, as he would from any ordinary tree, he has demonstrated that he no longer reveres this tree as an object of idol worship. Therefore, not only is the idolatrous status of the piece that he removed revoked, but that of the whole tree is as well.

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אִיתְּמַר: עֲבוֹדָה זָרָה שֶׁנִּשְׁתַּבְּרָה – רַב אָמַר: צָרִיךְ לְבַטֵּל כָּל קֻיסָם וְקֻיסָם, וּשְׁמוּאֵל אָמַר: עֲבוֹדָה זָרָה אֵינָהּ בְּטֵלָה אֶלָּא דֶּרֶךְ גִּדּוּלָהּ.

It was stated: With regard to an object of **idol worship that broke,**[H] **Rav says: It is necessary to revoke** the idolatrous status of **each and every sliver.**[N] **And Shmuel says:** An object of **idol worship** can have its status **nullified only** if part of it breaks off in the course of **its** natural **manner of growth.**

אַדְּרַבָּה, דֶּרֶךְ גִּדּוּלָהּ מִי מִבַּטְּלָא? אֶלָּא הָכִי קָאָמַר: אֵין עֲבוֹדָה זָרָה צְרִיכָה לְבָטֵל אֶלָּא דֶּרֶךְ גִּדּוּלָהּ.

The Gemara inquires about Shmuel's ruling: **On the contrary, can** an object possibly have its idolatrous status **nullified** by breaking in the course of **its** natural **manner of growth?** The Gemara answers: **Rather, this** is what Shmuel **is saying:** If an object of **idol worship** breaks, its idolatrous status is automatically nullified, as the idol worshipper will see that it broke and will no longer attribute any power to it. It **needs** to have its idolatrous status actively **revoked only** in a case where it broke off in the course of **its** natural **manner of growth.** For example, if leaves fall from a worshipped tree, the tree and the leaves retain their idolatrous status. In this case, the idol worshipper will not attribute the fallen leaves to a lack of power of the tree.

לֵימָא בְּהָא קָמִיפַּלְגִי, דְּמָר סָבַר: עוֹבְדִין לִשְׁבָרִין, וּמָר סָבַר: אֵין עוֹבְדִין לִשְׁבָרִין?

The Gemara suggests: **Let us say that** Rav and Shmuel **disagree about this:** One **Sage,** Rav, **holds** that people **worship** even **fragments** of idols. Therefore, the fact that an idol broke does not result in the nullification of its idolatrous status. **And** one **Sage,** Shmuel, **holds** that people **do not worship fragments** of idols.

לָא, דִּכּוּלֵי עָלְמָא עוֹבְדִין לִשְׁבָרִין, וְהָכָא בִּשְׁבָרֵי שְׁבָרִים קָמִיפַּלְגִי, מָר סָבַר: שִׁבְרֵי שְׁבָרִים אֲסוּרִין, וּמָר סָבַר: שִׁבְרֵי שְׁבָרִים מוּתָּרִין.

The Gemara rejects this suggestion: **No, everyone** agrees that people **worship fragments** of idols. **And here,** it is **with regard to fragments of fragments** that **they disagree.**[N] One **Sage,** Rav, **holds** that **fragments of fragments are forbidden; and** one **Sage,** Shmuel, **holds** that **fragments of fragments are permitted.**

וְאִי בָּעֵית אֵימָא: דִּכּוּלֵי עָלְמָא – שִׁבְרֵי שְׁבָרִים מוּתָּרִין, וְהָכָא בַּעֲבוֹדָה זָרָה שֶׁל חֲלָיוֹת וּבְהֶדְיוֹט שֶׁיָּכוֹל לְהַחֲזִירָהּ קָמִיפַּלְגִי, מָר סָבַר: כֵּיוָן דְּהֶדְיוֹט יָכוֹל לְהַחֲזִירָהּ לֹא בְּטֵלָה; וּמָר סָבַר: אֵין עֲבוֹדָה זָרָה בְּטֵלָה אֶלָּא דֶּרֶךְ גִּדּוּלָהּ דְּהַיְינוּ אוֹרְחֵיהּ, הָא – לָאו גִּדּוּלָהּ הִיא, וְאֵין צְרִיכָה לְבָטֵל.

And if you wish, say instead **that everyone** agrees that **fragments of fragments are permitted, and here they disagree with regard to** objects of **idol worship** that are composed **of segments** that come apart **and that a layman can reassemble.** One **Sage,** Rav, **holds** that **since a layman can reassemble it,** its idolatrous status is **not nullified. And** one **Sage,** Shmuel, **holds** that an object of **idol worship** needs to have its status **revoked only** when it breaks in the course of **its** natural **manner of growth, as that is its** typical **manner. This** case, where the idol is disassembled, **is not** related to **its** natural **growth and** therefore it **requires no** further act **to revoke** its idolatrous status.

הדרן עלך כל הצלמים

HALAKHA

An object of idol worship that broke – עֲבוֹדָה זָרָה שֶׁנִּשְׁתַּבְּרָה: If an gentile's object of idol worship broke, its fragments remain forbidden until their idolatrous status is actively revoked. Similarly, if it was composed of segments that can be reassembled by a layman, the idolatrous status of each individual piece needs to be revoked in order to permit it. If it cannot be reassembled by a layman, once the gentile has revoked the idolatrous status of one section they are all permitted (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:11; *Shulḥan Arukh*, *Yoreh De'a* 146:11).

NOTES

It is necessary to revoke…every sliver – צָרִיךְ לְבַטֵּל כָּל קֻיסָם: According to Rav, since the idolatrous status of the whole tree is not nullified, each and every piece retains its idolatrous status. Even though the mishna teaches that when one breaks off a piece from an object of idol worship, he thereby revokes its idolatrous status, in this case, since each piece remains a separate entity, the idolatrous status remains and needs to be revoked separately from each individual piece.

It is with regard to fragments of fragments that they disagree – בְּשִׁבְרֵי שְׁבָרִים קָמִיפַּלְגִי: When Rav said: It is necessary to revoke the idolatrous status of each and every single sliver, he meant: Even the fragments of fragments (Rashi). The Meiri explains that fragments are full limbs of the idol and therefore they are individually significant and they could theoretically be objects of worship in their own right. By contrast, fragments of fragments are certainly not objects of worship. Nevertheless, it could be that their idolatrous status must be actively revoked as they retain the forbidden status they received as part of the whole idol.

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Summary of **Perek III**

In general, it is prohibited to derive benefit from any entity that is worshipped or that is used in idol worship. With regard to the definition of an item that can be rendered forbidden, the Sages clarify that only a manufactured item, or one that is under a person's control, can be rendered forbidden. Furthermore, only an object that is in one's possession can be rendered forbidden through his worship. Therefore, although idolaters worship the sun, the moon, mountains, hills, seas, and rivers, these cannot be rendered forbidden due to being worshipped, even though their worshippers are deemed full-fledged idolaters.

The Sages also clarify that the prohibition against deriving benefit from objects of idol worship is applicable only to idols or images that are actually worshipped. Therefore, in a case where images of gods that are typically worshipped are not used for worship and are not treated with reverence, these are not viewed as objects of idol worship but as mere ornamental objects. Similarly, images or statues of people constructed for aggrandizement, such as likenesses of kings and rulers, are not deemed forbidden unless they are actually worshipped.

Various indications were given in this chapter for determining whether an image was worshipped or whether it is merely ornamental. In addition, the Gemara determined what to do with fragments of idols with regard to which it is unknown whether they were broken intentionally, in which case their idolatrous status was revoked, or whether they broke by themselves.

Objects of idol worship require destruction and complete eradication in order to safeguard against future sin. The method prescribed for their destruction was burning or grinding followed by the scattering of their remains into the wind or the sea. Deriving any benefit from objects of idol worship is prohibited. This includes deriving benefit from derivatives of the object, and even deriving benefit from a mixture of an idolatrous substance with a permitted substance. Nevertheless, when a substance of idol worship causes a certain result together with a permitted cause, the result is permitted.

Any item formed for the purpose of idol worship is forbidden, be it the idol itself or some ancillary object that facilitates worship. Yet there is a significant difference between an item initially designated for idol worship and one that was formed for a permitted purpose and was subsequently altered for the purpose of idol worship. The former is forbidden forever, while the latter can be rendered permitted again by removing the change made to the item. Furthermore, an item that was formed as a temporary facilitator of idolatry, such as a structure to house an idol or a pedestal to support it, is automatically rendered permitted when the idol is removed.

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Introduction to **Perek IV**

The first part of this chapter continues to discuss the prohibition against deriving benefit from objects and accessories of idol worship, some aspects of which were already discussed in the previous chapter.

The previous chapter addressed the distinction between statues and images that are intended to be worshipped as idols, and those that are not. This chapter discusses the worship of Mercury, a pagan deity that was represented by a pile of stones erected in the open, rather than by a clearly defined statue. It was worshipped in a unique fashion: Its worshippers threw stones at it, which in turn became part of the object of idol worship.

This leads to a discussion of the *halakhot* of defining an item as a prohibited object of idol worship, as well as a discussion of the *halakhot* of defining an item as an offering brought in idolatrous worship. The chapter continues with a discussion of the circumstances under which is it permitted to derive benefit from property that is owned by an entity of idol worship.

The previous chapter already mentioned the possibility of revoking the status of an object as an object of idol worship, thereby rendering the object permitted. This chapter explains how the prohibited status of an object of idol worship is revoked. This leads to a discussion with regard to a Jew's object of idol worship, and examines questions such as: Under what circumstances is it prohibited, and how may its prohibited status be revoked?

The second part of the chapter deals with a topic already discussed repeatedly in this tractate: The prohibition against drinking or deriving benefit from wine that a gentile offered as an idolatrous libation, and, secondarily, from any wine that was touched by a gentile. Many dilemmas are raised with regard to this prohibition: At what stage does the liquid acquire the status of wine, which can be rendered prohibited? How does one ensure that a gentile does not touch the wine? When is there a concern that the gentile may have touched the wine while the Jew was not watching? These dilemmas require evaluation of the nature of the relationship between the Jew and the gentile with regard to the wine under various circumstances.

The clarification of these issues forms the core of this chapter.

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מתני׳ רַבִּי יִשְׁמָעֵאל אוֹמֵר: שָׁלֹשׁ אֲבָנִים זוֹ בְּצַד זוֹ בְּצַד מַרְקוּלִיס – אֲסוּרוֹת, וּשְׁתַּיִם – מוּתָּרוֹת; וַחֲכָמִים אוֹמְרִים: שֶׁנִּרְאוֹת עִמּוֹ – אֲסוּרוֹת, וְשֶׁאֵין נִרְאוֹת עִמּוֹ – מוּתָּרוֹת.

MISHNA **Rabbi Yishmael says: Three stones** that are **adjacent to each other at** the **side of Mercury** [*Markulis*][NB] **are prohibited,** as that idol was worshipped by tossing stones toward it, which then became part of the idol. **But** if there are only **two** stones, then they **are permitted. And the Rabbis say:** Those stones **that are adjacent to** Mercury and appear to have fallen from it **are prohibited.**[H] **But** those stones **that are not adjacent to it are permitted.**

גמ׳ בִּשְׁלָמָא רַבָּנַן קָסָבְרִי: עוֹבְדִין לִשְׁבָרִים; נִרְאוֹת עִמּוֹ, דְּאִיכָּא לְמֵימַר מִינַּיהּ נָפַל – אֲסוּרוֹת, שֶׁאֵין נִרְאוֹת עִמּוֹ – מוּתָּרוֹת.

GEMARA The Gemara asks: **Granted,** one can explain that **the Rabbis hold** that idol worshippers **worship fragments** of idols. Therefore, those stones that are **adjacent to** Mercury, **where it can be said** that they **fell from its** pile of stones, **are prohibited;** as they are considered fragments of an object of idol worship, namely the stone pile. And those **that are not adjacent to** Mercury **are permitted,** as they did not fall from it.

אֶלָּא רַבִּי יִשְׁמָעֵאל מַאי קָסָבַר? אִי עוֹבְדִין לִשְׁבָרִין – אֲפִילּוּ תַּרְתֵּי נַמִּי לִיתְסַר, אִי אֵין עוֹבְדִין לִשְׁבָרִים – אֲפִילּוּ תְּלָת נַמִּי לָא!

But with regard to the opinion of **Rabbi Yishmael, what does he hold? If** he holds that idol worshippers **worship fragments** of idols, **even two** stones **should be prohibited.**[N] **If** he holds that idol worshippers **do not worship fragments** of idols, **even three** stones **should not** be prohibited.

אָמַר רַב יִצְחָק בַּר יוֹסֵף אָמַר רַבִּי יוֹחָנָן: בְּיָדוּעַ שֶׁנָּשְׁרוּ מִמֶּנּוּ – דִּבְרֵי הַכֹּל אֲסוּרוֹת; וַאֲפִילּוּ לְמַאן דְּאָמַר: אֵין עוֹבְדִין לִשְׁבָרִים – הָנֵי מִילֵּי עֲבוֹדָה זָרָה דְּלָאו הֵיְינוּ אוֹרְחַיְיהּ, אֲבָל הָכָא דְּמֵעִיקָּרָא תַּבּוּרֵי מִיתְּבְרֵי – הֵיְינוּ אוֹרְחַיְיהּ. כִּי פְּלִיגִי – בִּסְתָמָא.

Rav Yitzḥak bar Yosef says that **Rabbi Yoḥanan says: In** a case where **it is known that** these stones **fell from** the pile of stones, **everyone agrees** that **they are prohibited, and** this is the *halakha* **even according to the one who says:** Idol worshippers **do not worship fragments.** As **that statement** applies only to a form of **idol worship where that is not** the normal **manner** in which **it** is worshipped. **But here, where** the stones thrown onto the pile are **broken** stones **from the outset, this is its** normal **manner** of worship. **They disagree** only **when** it is **not specifically** known where these stones came from.

NOTES

At the side of Mercury [*Markulis*] – בְּצַד מַרְקוּלִיס: It is apparent from the Gemara that the idol worshippers would make a stone structure next to the idol that consisted of two stones with a third on top of them. This structure was considered part of the object of idol worship. The rite of worshipping this idol involved placing stones on it or throwing stones at it, whereupon these stones became part of the idol.

Even two should be prohibited – אֲפִילּוּ תַּרְתֵּי נַמִּי לִיתְסַר: The same reasoning applies to one stone. The Gemara refers to the case of two stones because that number is mentioned in the mishna (*Tosafot*).

HALAKHA

Those stones that are adjacent to Mercury and appear to have fallen from it are prohibited – שֶׁנִּרְאוֹת עִמּוֹ אֲסוּרוֹת: It is prohibited to derive benefit from stones that are found adjacent to the idol Mercury. This is in accordance with the opinion of the Rabbis (*Rambam Sefer HaMadda, Hilkhot Avoda Zara* 7:16).

BACKGROUND

Mercury [*Markulis*] – מַרְקוּלִיס: *Markulis* is the name by which the Sages referred to the Roman god Mercury, or *Mercurius*, the Roman version of the Greek god Hermes. The substitution of *Markulis* for *Mercurius* may be due to the common transposition of the letters *reish* and *lamed*, or it may be due to the desire not to use the pagan name. Some suggest that the Sages were referring to the local Syrian cult of *Mercurius Heliopolitanus*, which derived from the Greco-Roman pagan tradition.

Among the various roles attributed to this idol was patron of the roads and journeys. Therefore, idols of him were often placed at the entrance to roadways. Often they did not actually place a complete idol, and instead placed a stone figurehead on top of a platform, known as a herma.

The idol was worshipped by throwing stones at it, forming a pile of stones that was considered part of the deity itself. From the Mishna and other sources it would seem that sometimes there was no idol at all. Rather its worshippers placed a symbolic pile of stones, consisting of two parallel vertical stones, with a third stone placed above them horizontally. This formation was then worshipped by throwing stones at it.

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NOTES

When the stones are distant – בְּמִרוּחָקוֹת: Rashi explains that both the nearby and the distant stones are within four cubits of the pile dedicated to Mercury. The nearby stones are within a half cubit or so, and the distant ones are nearly four cubits away. *Tosafot* explain that the nearby stones are within four cubits and the distant stones are more than four cubits away.

At the side of its four cubits – בְּצַד אַרְבַּע אַמּוֹת דִּידֵיהּ: Rashi and the Ra'avad interpret this to mean within four cubits of the idol. Other commentaries understand this to mean that the stones are outside the four cubits surrounding Mercury, as the idol is considered to occupy the four cubits surrounding it (*Tosefot Rid*; Ritva; see also Rabbeinu Ḥananel). Others explain that the side of the idol's four cubits means exactly four cubits away from the idol, as Rabbi Yishmael maintains that it was the practice of idol worshippers to construct a small pile at a distance of four cubits from the main stone pile.

Where there is an elevated area – דְּאִיכָּא גּוּבְהָה: Since there is a mound that divides the stones and Mercury, they are considered to be distant irrespective of the factor of proximity.

בְּמִקְּרוֹבוֹת נַמִּי, דְּאִיכָּא לְמֵימַר מִינֵּיהּ נָפֵל – דִּבְרֵי הַכֹּל – אֲסוּרוֹת, כִּי פְּלִיגִי – בְּמִרוּחָקוֹת.

Furthermore, **everyone agrees** that **also** in the case of stones that are **near** the stone pile dedicated to Mercury, with regard to **which** it **can be said** that they **fell from it, they are prohibited.** Rabbi Yishmael and the Rabbis **disagree** only **when** the stones are **distant.**[N]

וְהָא "בְּצַד מַרְקוּלִיס" קָתָנֵי! מַאי "בְּצַד"? בְּצַד אַרְבַּע אַמּוֹת דִּידֵיהּ;

The Gemara challenges: **But** the mishna **teaches** that the stones are **at** the **side of Mercury,** indicating that they are nearby. The Gemara explains: **What** is meant by the term: **At** the **side** of Mercury? It means **at** the **side of its four cubits.**[N]

רַבִּי יִשְׁמָעֵאל סָבַר: עוֹשִׂין מַרְקוּלִיס קָטָן בְּצַד מַרְקוּלִיס גָּדוֹל, שָׁלֹשׁ דְּמָיְין לְמַרְקוּלִיס – אֲסוּרוֹת, שְׁתַּיִם – מוּתָּרוֹת; רַבָּנַן סָבְרִי: אֵין עוֹשִׂין מַרְקוּלִיס קָטָן בְּצַד מַרְקוּלִיס גָּדוֹל, לָא שְׁנָא שָׁלֹשׁ וְלָא שְׁנָא שְׁתַּיִם, נִרְאוֹת עִמּוֹ – אֲסוּרוֹת, שֶׁאֵין נִרְאוֹת עִמּוֹ – מוּתָּרוֹת.

The Gemara clarifies the dispute: **Rabbi Yishmael holds** that at times, idol worshippers initially **construct a small** stone pile dedicated to **Mercury at** the **side of a large** stone pile dedicated to **Mercury.** Therefore, **three** stones, **which resemble** a complete pile dedicated to **Mercury, are prohibited. Two** stones, which do not resemble a stone pile dedicated to Mercury, **are permitted.** Conversely, **the Rabbis hold** that idol worshippers **do not construct a small** stone pile dedicated to **Mercury at** the **side of a large** stone pile dedicated to **Mercury.** Therefore, the *halakha* **is not different** in a case where there are **three** stones, **and** it **is not different** in a case where there are **two** stones. In both cases those stones that **can be seen** together **with** the pile dedicated to Mercury **are prohibited,** as they may have fallen from it, whereas those **that cannot be seen** together **with** the stone pile **are permitted.**

אָמַר מָר: בְּיָדוּעַ שֶׁנָּשְׁרוּ מִמֶּנּוּ – דִּבְרֵי הַכֹּל אֲסוּרוֹת. וּרְמִינְהִי: אֲבָנִים שֶׁנָּשְׁרוּ מִן הַמַּרְקוּלִיס, נִרְאוֹת עִמּוֹ – אֲסוּרוֹת, שֶׁאֵין נִרְאוֹת עִמּוֹ – מוּתָּרוֹת; וְרַבִּי יִשְׁמָעֵאל אוֹמֵר: שָׁלֹשׁ – אֲסוּרוֹת, שְׁתַּיִם – מוּתָּרוֹת! אֲמַר רָבָא, לָא תֵּימָא: "שֶׁנָּשְׁרוּ", אֶלָּא אֵימָא: "שֶׁנִּמְצְאוּ".

§ **The Master said: In** a case where **it is known that** these stones **fell from it, everyone agrees** that **they are prohibited. And** the Gemara **raises a contradiction** to Rabbi Yoḥanan's statement from his statement presented in a *baraita*: With regard to **stones that fell from** a pile dedicated to **Mercury,** those that **can be seen** together **with it are prohibited;** those **that cannot be seen** together **with it are permitted. And Rabbi Yishmael says: Three** stones **are prohibited,** but **two** stones **are permitted.** The *baraita* indicates that Rabbi Yishmael and the Rabbis also disagree where it is known that the stones fell from the stone pile. **Rava said: Do not say** in the *baraita*: Stones **that fell** from a pile. **Rather, say:** Stones **that were found** adjacent to the pile. There is no certainty that they fell from the pile.

וְסָבַר רַבִּי יִשְׁמָעֵאל שְׁתַּיִם מוּתָּרוֹת? וְהָתַנְיָא, רַבִּי יִשְׁמָעֵאל אוֹמֵר: שְׁתַּיִם בְּתִפְיסָה לוֹ – אֲסוּרוֹת, שָׁלֹשׁ אֲפִילּוּ מְרוּחָקוֹת – אֲסוּרוֹת!

The Gemara asks: **And** does **Rabbi Yishmael** actually **hold** that **two** stones that are found adjacent to the pile **are permitted? But isn't it taught** in a *baraita*: **Rabbi Yishmael says: Two** stones that are found **in** the **area of** the pile dedicated to Mercury **are prohibited. Three** stones **are prohibited, even** if they are found **at a distance.**

אֲמַר רָבָא, לָא קַשְׁיָא: כָּאן בְּתִפְיסָה אַחַת, כָּאן בִּשְׁתֵּי תְּפִיסוֹת; וְהֵיכִי דָּמֵי? דְּאִיכָּא גּוּבְהָה בֵּינֵי וּבֵינֵי.

Rava said: It is **not difficult. Here,** in the second *baraita*, it is referring to a case **where** both the pile and the adjacent stones **are in the same area,** in which case the stones are forbidden. **There,** in the first *baraita*, it is referring to a case **where** they **are in two** adjacent **areas,** in which case they are permitted. **And what is considered** two adjacent areas? This is referring to a case **where there is an elevated** area[N] **between them,** and evidently the stones did not fall from the pile.

וּמַרְקוּלִיס כְּהַאי גַּוְונָא מִי הֲוֵי? וְהָא תַּנְיָא, אֵלּוּ הֵן אַבְנֵי בֵּית קוּלִיס: אַחַת מִכָּאן וְאַחַת מִכָּאן וְאַחַת עַל גַּבֵּיהֶן! אֲמַר רָבָא: כִּי תַּנְיָא הַהִיא – בְּעִיקַּר מַרְקוּלִיס.

The Gemara asks: **And are** stones that are merely adjacent to each other **in this way** considered a pile dedicated to **Mercury? But isn't it taught** in a *baraita*: **These are** the **stones of a place of** worship dedicated to **Mercury: One** stone is situated **on** one **side and one** is situated **on** the other **side, and one** is situated **atop of them,** but not where the stones are merely adjacent to each other? **Rava said: When that** *baraita* **is taught,** it is **with regard to the main** pile of stones dedicated to **Mercury,** but the stones that are added to it are not necessarily arranged in this way.

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בֵּי יַנַּאי מַלְכָּא חֲרוּב, אֲתוּ גּוֹיִם אוֹקִימוּ בֵּיהּ מַרְקוּלִיס, אָתוּ גּוֹיִם אַחֲרִינֵי דְּלָא פָּלְחִי לְמַרְקוּלִיס שָׁקְלִינְהוּ וְחִיפּוּ בָּהֶן דְּרָכִים וּסְטַרְטָאוֹת, אִיכָּא רַבָּנַן דְּפָרְשִׁי וְאִיכָּא רַבָּנַן דְּלָא פָּרְשִׁי.

§ The Gemara relates: **The house of King Yannai was destroyed,** and **gentiles came** and **placed** stones dedicated to **Mercury in it.** Later, **other gentiles who did not worship Mercury came** and **took those** stones **and paved paths and streets with them. There** were **Rabbis who withdrew** from these paths, **and there** were other **Rabbis who did not withdraw** from these paths.

אֲמַר רַבִּי יוֹחָנָן: בְּנָן שֶׁל קְדוֹשִׁים מְהַלְּכִין עֲלֵיהֶן, וַאֲנַן נִפְרוֹשׁ מֵהֶן? מַאן נִיהוּ ״בְּנָן שֶׁל קְדוֹשִׁים״? רַבִּי מְנַחֵם בְּרַבִּי סִימָאי. וְאַמַּאי קָרוּ לֵיהּ ״בְּנָן שֶׁל קְדוֹשִׁים״? דַּאֲפִילּוּ בְּצוּרְתָא דְּזוּזָא לָא מִיסְתַּכֵּל.

Rabbi Yoḥanan said: The son of holy ones walks on them. Should we withdraw from them? The Gemara asks: **Who is** the person referred to as **the son of holy ones?** The Gemara answers: It is **Rabbi Menaḥem, son of Rabbi Simai. And why did they call him the son of holy ones?** They did so **because** Rabbi Menaḥem **would not even gaze at** the **form on a coin,**[N] as it was sometimes an idolatrous symbol.

מַאי טַעְמָא דְּמַאן דְּפָרֵישׁ? סָבַר לָהּ כִּי הָא דְּאָמַר רַב גִּידֵּל אָמַר רַב חִיָּיא בַּר יוֹסֵף אָמַר רַב: מִנַּיִן לְתִקְרוֹבֶת עֲבוֹדָה זָרָה שֶׁאֵין לָהּ בִּטּוּל עוֹלָמִית? שֶׁנֶּאֱמַר: ״וַיִּצָּמְדוּ לְבַעַל פְּעוֹר וַיֹּאכְלוּ זִבְחֵי מֵתִים״, מַה מֵּת אֵין לוֹ בִּטּוּל לְעוֹלָם, אַף תִּקְרוֹבֶת עֲבוֹדָה זָרָה אֵין לָהּ בִּטּוּל לְעוֹלָם.

The Gemara asks: **What is the reason of the one who withdraws** from those paths? **He holds in accordance with that which Rav Giddel says** that **Rav Ḥiyya bar Yosef says** that **Rav says: From where** is it derived **that with regard to an offering** brought in **idolatrous worship,**[H] there can **never** be any **nullification** of its prohibited status? This is derived from a verse, **as it is stated: "They joined themselves to Baal of Peor, and ate the offerings to the dead"** (Psalms 106:28). **Just as** the prohibited status of **a corpse has no nullification,** and it is **forever** prohibited to derive benefit from it, **so too,** the prohibited status of **an offering** brought in **idolatrous worship has no nullification ever.**

וּמַאן דְּלָא פָּרֵישׁ, אָמַר: בָּעֵינָא כְּעֵין פְּנִים, וְלֵיכָא.

And the one who does not withdraw from those paths **says:** In order for idol worship to prohibit an offering **I require** the offering to be **like** those offerings sacrificed **inside**[N] the Temple, **and there is no** parallel to this offering in the Temple service, as stones are not brought as offerings.

אֲמַר רַב יוֹסֵף בַּר אַבָּא: אִיקְּלַע רַבָּה בַּר יִרְמְיָה לְאַתְרִין, וַאֲתָא וַאֲיִיתִי מַתְנִיתָא בִּידֵיהּ: גּוֹי שֶׁהֵבִיא אֲבָנִים מִן הַמַּרְקוּלִיס וְחִיפָּה בָּהֶן דְּרָכִים וּסְרָטֵיאוֹת

Rav Yosef bar Abba said: Rabba bar Yirmeya happened to come **to our locale, and** when **he came he brought** the following ***baraita* with him:** In the case of **a gentile who brought stones from** a pile dedicated to **Mercury and paved paths and theaters**[N] **with them,**

they are permitted, as the gentile nullified their prohibited status. In the case of **a Jew who brought stones from** a pile dedicated to **Mercury and paved paths and streets with them, they are prohibited. And there is neither a carpenter** [*naggar*][L] **nor a son of a carpenter who can resolve this,** i.e., no one can resolve the difficulty inherent in this statement, not a Torah scholar, and not even a scholar who is the son of a scholar.

מוּתָּרוֹת, יִשְׂרָאֵל שֶׁהֵבִיא אֲבָנִים מִן הַמַּרְקוּלִיס וְחִיפָּה בָּהֶן דְּרָכִים וּסְרָטֵיאוֹת – אֲסוּרוֹת; וְלֵית נַגָּר וְלָא בַּר נַגָּר דְּיִפְרְקִינַהּ.

אֲמַר רַב שֵׁשֶׁת: אֲנָא לָא נַגָּר אֲנָא וְלָא בַּר נַגָּר אֲנָא, וּפְרֵיקְנָא לֵיהּ: מַאי קוּשְׁיָא לֵיהּ? דְּרַב גִּידֵּל – בָּעֵינָא כְּעֵין פְּנִים וְלֵיכָא.

Rav Sheshet said: As for **me, I am not a carpenter, nor am I the son of a carpenter, and** yet **I will resolve** the difficulty. **What is the difficulty** that Rabba bar Yirmeya finds in the *baraita*? The *baraita* is difficult because of the statement **of Rav Giddel,** that the prohibited status of offerings brought in idol worship can never be revoked. This is not difficult, as in order for idol worship to prohibit an offering **I require** the offering to be **like** those offerings sacrificed **inside** the Temple, **and there is no** a parallel offering of stones in the Temple.

Perek **IV**
Daf **50** Amud **b**

NOTES

At the form on a coin – בְּצוּרְתָא דְּזוּזָא: There were often idolatrous symbols on Greek and Roman coins. Rabbi Menaḥem, son of Rabbi Simai, refrained from gazing at these coins even though they were not actual objects of idol worship. Since the symbols they contained were idolatrous images, gazing at them would be similar to deriving pleasure from the sight of an object of idol worship. Alternatively, he wished to distance himself from anything associated with idol worship (and see *Moed Katan* 25b).

Like those offerings sacrificed inside – כְּעֵין פְּנִים: An offering brought in idol worship is prohibited only if it is a type of item that is sacrificed on the altar in the Temple. Various food items, as well as incense, are included in this prohibition, but other items are not included. The stones that are dedicated to Mercury are therefore not forbidden as an offering brought in idol worship. Rather, they are forbidden because they are considered an object of idol worship. Since Mercury is itself a pile of stones, any stones thrown at the pile become part of the pile itself. Their status can therefore be revoked by breaking or scattering them (*Tosafot*).

And theaters [*vetartei'ot*] – וְטַרְטֵיאוֹת: While the standard version of the text reads *vetartei'ot*, meaning: And theaters, it seems that the correct version of the *baraita* is *vesartei'ot*, meaning: And streets, as in the continuation of the *baraita*.

HALAKHA

An offering brought in idolatrous worship – תִּקְרוֹבֶת עֲבוֹדָה זָרָה: The prohibition of an offering of idol worship cannot be revoked, in accordance with the opinion of Rav Giddel (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 139:2).

LANGUAGE

Carpenter [*naggar*] – נַגָּר: The plain sense is that this refers to an artisan who works with wood. Alternatively, the Aramaic translation of *ḥeresh* in the phrase: "*Haḥeresh* and the smiths" (II Kings 24:14), is a carpenter. Since the Sages (*Gittin* 88a) understood this phrase in II Kings as referring to Torah scholars, the term carpenter is used here in reference to Torah scholars, who are artisans in the realm of Torah study.

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אָמַר רַב יוֹסֵף בַּר אַבָּא: אִיקְּלַע רָבָּה בַּר יִרְמְיָה לְאַתְרִין, וְאַתָא וְאַיְיתֵי מַתְנִיתָא בִּידֵיהּ: מַתְלִיעִין וּמְזַהֲמִין בַּשְּׁבִיעִית, וְאֵין מַתְלִיעִין וּמְזַהֲמִין בַּמּוֹעֵד,

§ **Rav Yosef bar Abba said: Rabba bar Yirmeya happened** to come **to our locale, and** when **he came he brought** the following ***baraita* with him:** One **may remove worms**[N] from a tree **and place manure** on a cut in a tree **during the Sabbatical** Year,[B] **but** one **may not remove worms or place manure** on a cut **during** the intermediate days of **the Festival.**[H]

כָּאן וְכָאן אֵין מְגַזְּמִין, וְסָכִין שָׁמָן לַגְּזוּם בֵּין בַּמּוֹעֵד בֵּין בַּשְּׁבִיעִית: וְלֵית נַגָּר וְלָא בַּר נַגָּר דְּיִפָּרְקִינָהּ.

The *baraita* continues: Both **here,** in the case of the Sabbatical Year,[H] **and there,**[H] in the case of the intermediate days of the Festival, one **may not prune** the trees.[N] **But** one **may smear oil on the** previously **pruned** tree on the place where one pruned it in order to prevent the tree from being damaged, **both during** the intermediate days of **the Festival and during the Sabbatical** Year. **And there is neither a carpenter nor a son of a carpenter who can resolve this.**

אֲמַר רָבִינָא: אֲנָא לָא נַגָּר אֲנָא וְלָא בַּר נַגָּר אֲנָא, וּמְפָרְקִינָהּ לָהּ: מַאי קָא קַשְׁיָא לֵיהּ? אֵילֵימָא מוֹעֵד אַשְּׁבִיעִית קָא קַשְׁיָא לֵיהּ: מַאי שְׁנָא שְׁבִיעִית דְּשָׁרֵי, וּמַאי שְׁנָא מוֹעֵד דְּאָסוּר? מִי דָּמֵי? שְׁבִיעִית – מְלָאכָה אֲסַר רַחֲמָנָא, טִירְחָא שָׁרֵי, מוֹעֵד – אֲפִילּוּ טִירְחָא נַמִּי אָסוּר!

Ravina said: As for **me, I am not a carpenter, nor am I** the **son of a carpenter, and** yet **I will resolve** the difficulty. **What is the difficulty** that Rabba bar Yirmeya finds in the *baraita*? **If we say** that the difference **between** the intermediate days of the **Festival** and **the Sabbatical** Year poses **a difficulty to him,** this cannot be so. One cannot explain that Rabba bar Yirmeya is asking **what is different** about the **Sabbatical** Year **that** one is **permitted** to remove worms and place manure on a cut, **and what is different** about the intermediate days of the **Festival that** it is **prohibited** to do so, as this is not a valid question. **Are** they **comparable?** With regard to the **Sabbatical** Year, **the Merciful One prohibited** only agricultural **labor,** whereas other forms of **exertion** are **permitted.** With regard to the intermediate days of the **Festival, even** other forms of **exertion** are **prohibited.**[N]

וְאֶלָּא זִיהוּם אַגִּיזּוּם קָא קַשְׁיָא לֵיהּ: מַאי שְׁנָא זִיהוּם דְּשָׁרֵי, וּמַאי שְׁנָא גִּיזּוּם דְּאָסוּר? מִי דָּמֵי? זִיהוּם אוֹקּוֹמֵי אִילָנָא וְשָׁרֵי, גִּיזּוּם אַבְרוּיֵי אִילָנָא וְאָסוּר!

Ravina suggests: **Rather,** perhaps the difference **between placing manure** and **pruning** poses **a difficulty to him. What is different** about **placing manure that** it is **permitted** during the Sabbatical Year, **and what is different** about **pruning that** it is **prohibited?** Ravina rejects this suggestion: This is also not a valid question. **Are** they **comparable?** The purpose of **placing manure** is to **preserve the tree, and** therefore it is **permitted,** whereas the purpose of **pruning** is to **enhance the tree, and** therefore it is **prohibited.**

וְאֶלָּא זִיהוּם אַזִּיהוּם קָא קַשְׁיָא לֵיהּ, דְּקָתָנֵי: מַתְלִיעִין וּמְזַהֲמִין בַּשְּׁבִיעִית, וּרְמִינְהִי: מְזַהֲמִין אֶת הַנְּטִיעוֹת, וְכוֹרְכִין אוֹתָן, וְקוֹטְמִין אוֹתָן, וְעוֹשִׂין לָהֶם בָּתִּים, וּמַשְׁקִין אוֹתָן עַד רֹאשׁ הַשָּׁנָה; עַד רֹאשׁ הַשָּׁנָה אִין, בַּשְּׁבִיעִית לָא!

Ravina suggests: **Rather,** perhaps the contradiction **between** the aforementioned *baraita* with regard to **placing manure** and another mishna with regard to **placing manure** poses **a difficulty to him, as** the *baraita* **teaches:** One **may remove worms** from a tree **and place manure** on a cut in a tree **during the Sabbatical** Year. **And** one may **raise a contradiction** from a mishna (*Shevi'it* 2:4): One **may place manure on the saplings, and** one **may bind their** branches to the trunk so that they grow upright. **And** one **may lop off**[NB] **their** tops to promote their growth, **and make shelters for them**[NB] to shield them from the sun, **and water them.** All these actions are permitted **until Rosh HaShana** of the Sabbatical Year.[H] One can infer that **until Rosh HaShana, yes,** one may place manure on the tree; but **during the Sabbatical** Year itself one may **not**[H] do so.

NOTES

One may remove worms – מַתְלִיעִין: This refers to removing worms from the tree using a tool (Rabbeinu Ḥananel).

One may not prune the trees – אֵין מְגַזְּמִין: Pruning is prohibited as its purpose is to enhance the tree's growth, both by hastening the growth of new branches and by enhancing the shape of the tree, while refraining from pruning does not endanger the plant's survival. This is particularly so in the case of vines and roses.

Even other forms of exertion are prohibited – אֲפִילּוּ טִירְחָא נַמִּי אָסוּר: Although labor is not prohibited during the intermediate days of the Festival to the same extent that it is prohibited on Shabbat and on the Festival itself, it is prohibited by Torah law to engage in any form of labor that entails exertion, other than when it serves the immediate needs of the person or is necessary in order to avoid a loss. The activities mentioned here are prohibited, as there is no pressing need to do them during the Festival. Additionally, labor that entails considerable exertion is prohibited even when done to avoid a loss (*Tosafot*).

One may lop off [*kotemin*] – קוֹטְמִין: Some explain that the term *kotemin* refers to cutting off some of the branches, which is similar to pruning. Alternatively, the term *kotemin* could mean covering the saplings or their roots with ash in order to enhance their growth, as *kitma* means ash in Aramaic (*Arukh*). The Meiri explains this term in a similar manner, except that he holds that the purpose of the ash is to slow down the tree's growth.

Make shelters for them – עוֹשִׂין לָהֶם בָּתִּים: Rashi explains that one builds a low stone wall around the tree and fills the enclosure with dirt. Rabbi Shimshon of Saens notes that it appears from the Jerusalem Talmud that it means building a kind of booth to shade the sapling. The Rambam explains similarly. Rabbeinu Ḥananel explains it to mean digging a ditch around the tree to collect water.

HALAKHA

But one may not remove worms or place manure on a cut during the intermediate days of the Festival – וְאֵין מַתְלִיעִין וּמְזַהֲמִין בַּמּוֹעֵד: One may not remove worms from a tree during the intermediate days of the Festival, nor may one smear manure on a cut on a tree, but one may smear oil on trees and their produce. This is in accordance with the ruling of the *baraita* (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 8:10; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 537:12).

Here in the case of the Sabbatical Year – כָּאן: One may not prune a tree during the Sabbatical Year, even if it is barren. One also may not cut off growths or large branches from trees, or engage in other tasks to enhance the trees (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 1:5).

And there, etc. – וְכָאן וכו': One may not prune a tree during the intermediate days of the Festival unless it is clear that the objective is to use the branches rather than to enhance the tree (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 8:10; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 537:11).

Until Rosh HaShana of the Sabbatical Year – עַד רֹאשׁ הַשָּׁנָה: During the sixth year of the Sabbatical cycle, until Rosh HaShana, one may smear saplings with rancid oil to keep away worms and other pests, and bind their branches to their trunks so that they grow upright, and lop off their tops to promote their growth, and make shelters for them to shield them from the sun, and water them, and smear oil on unripe figs and pierce them with a sliver to facilitate their ripening (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 3:9).

During the Sabbatical year itself one may not – בַּשְּׁבִיעִית לָא: During the Sabbatical year one may not smear saplings with rancid oil to keep away pests, or bind their branches to their trunks so that they grow upright, or lop off their tops to promote their growth, or prune trees. If one did any of these tasks deliberately during the Sabbatical Year, he receives lashes for rebelliousness (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 1:5).

BACKGROUND

The Sabbatical Year – שְׁבִיעִית: The Sabbatical Year is the seventh year of the Sabbatical cycle, which commenced after the conquest of Canaan by Joshua. It is also known as *shemitta*, literally meaning abandonment or release. The *halakhot* of the Sabbatical Year are based on Torah law (see Leviticus 25:1–7 and Deuteronomy 15:1–6). Most authorities maintain that the requisite conditions for the Sabbatical Year to be in effect by Torah law do not exist nowadays, and its present-day observance is by rabbinic law.

The discussion in the Gemara here is based on the *halakha* that during the Sabbatical Year all agricultural land must lie fallow. It is prohibited to work the land, except for those labors necessary in order to preserve the existing crops.

One may lop off [*kotemin*] – קוֹטְמִין: Pruning the edges of branches and the tops of saplings facilitates the growth of dormant buds found on the branch or trunk. This occurs because the treetops and edges of branches secrete hormones that inhibit the growth of further side branches from the same buds. This inhibition of growth, known as apical dominance, is removed when the tops are cut off.

Make shelters for them – עוֹשִׂין לָהֶם בָּתִּים: According to the Jerusalem Talmud, this refers to constructing a type of booth to shade the sapling. In addition to affording protection against strong winds, cold, and hail, this also facilitates the growth of the tree, since the shade encourages the lengthening of the stems and leaves.

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וְדִלְמָא כִּדְרַב עוּקְבָא בַּר חָמָא, דְּאָמַר רַב עוּקְבָא בַּר חָמָא: תְּרֵי קִשְׁקוּשֵׁי הָווּ, חַד לְאַבְרוּיֵי אִילָנָא וְאָסוּר, וְחַד לְסַתּוּמֵי פִּילֵי וְשָׁרֵי; הָכִי נָמֵי תְּרֵי זִיהֲמוּמֵי הָווּ, חַד לְאוֹקוֹמֵי אִילָנֵי וְשָׁרֵי, וְחַד לְאַבְרוּיֵי אִילָנֵי וְאָסוּר!

Ravina rejects this suggestion: **But perhaps** one can account for the apparent contradiction in **a similar** fashion to the explanation **of Rav Ukva bar Ḥama, as Rav Ukva bar Ḥama says: There are two** types of **hoeing** [*kishkushei*].[NH] The purpose of **one** type is **to enhance the tree's** health, **and** it is therefore **prohibited. And** the purpose of **one** type is **to close up cracks** in the ground, which is **permitted,** as it is done only to prevent the trees from dying and not to enhance their growth. **So too,** one may suggest that **there are two** types of **placing manure: One** type whose purpose is **to preserve the trees, and** is therefore **permitted, and one** type whose purpose is **to enhance the trees, and** is therefore **prohibited.**

וְאֶלָּא סִיכָה אַסִּיכָה קָא קַשְׁיָא לֵיהּ, דְּקָתָנֵי: סָכִין שֶׁמֶן לַגְּזוּם בֵּין בַּמּוֹעֵד וּבֵין בַּשְּׁבִיעִית; וּרְמִינְהִי: סָכִין אֶת הַפֶּגִין, וּמְנַקְּבִין וּמְפַשְּׁטִין אוֹתָן עַד רֹאשׁ הַשָּׁנָה; עַד רֹאשׁ הַשָּׁנָה אִין, בַּשְּׁבִיעִית לָא!

Ravina suggests: **Rather,** perhaps the contradiction **between** the *halakha* in the *baraita* with regard to **smearing** oil and the *halakha* in another mishna with regard to **smearing** oil poses **a difficulty for him, as** the *baraita* **teaches:** One **may smear oil on the** previously **pruned** tree, on the place where one pruned it, **both during** the intermediate days of **the Festival and during the Sabbatical** Year. **And** one may **raise a contradiction** from the mishna (*Shevi'it* 2:5): One **may smear** oil on **the unripe figs** in the sixth year of the Sabbatical cycle in order to accelerate their ripening, **and** similarly one **may pierce** them[B] **and fill** the cut **with oil** to facilitate their ripening **until Rosh HaShana.** One can infer that **until Rosh HaShana, yes,** one may smear; but **during the Sabbatical** Year itself one may **not** do so.

מִי דָּמֵי? הָכָא אוֹקוֹמֵי אִילָנָא וְשָׁרֵי, הָתָם פִּטּוּמֵי פֵּירָא וְאָסוּר!

Ravina rejects this suggestion: That is also not a valid question. **Are** they **comparable? Here,** the purpose of smearing oil on the place where the tree was pruned is to **preserve the tree, and** therefore it is **permitted. There,** the purpose of smearing oil on the unripe figs is to enhance and **enlarge the fruit and** is therefore **prohibited.**

אָמַר לֵיהּ רַב סַמָּא בְּרֵיהּ דְּרַב אַשִׁי לְרָבִינָא: בַּר יְרְמְיָה, סִיכָה דְּמוֹעֵד אַזֵּיהּוּם דְּמוֹעֵד קָא קַשְׁיָא לֵיהּ: מִכְּדֵי הַאי אוֹקוֹמֵי וְהַאי אוֹקוֹמֵי, מַאי שָׁנָא הַאי דְּשָׁרֵי, וּמַאי שָׁנָא הַאי דְּאָסוּר? הַיְינוּ דְּקָאָמַר לֵיהּ: לֵית נַגָּר וְלָא בַּר נַגָּר דִּיפָרְקִינָהּ.

Rav Samma, son of Rav Ashi, said to Ravina: The contradiction **between** the *halakha* with regard to **smearing** oil **during** the intermediate days of the **Festival** and the *halakha* with regard to **placing manure during** the intermediate days of the **Festival** poses **a difficulty for** Rabba **bar Yirmeya. Since** the purpose of **this** action is to **preserve** the tree, **and** the purpose of **that** action is to **preserve** the tree, **what is different** in **this** case **that** it is **permitted, and what is different** in **that** case **that** it is **prohibited? This is** the reason **that** Rabba bar Yirmeya **said to him:**[N] **There is neither a carpenter nor a son of a carpenter who can resolve this.**

אָמַר רַב יְהוּדָה אָמַר רַב: עֲבוֹדָה זָרָה שֶׁעוֹבְדִין אוֹתָהּ בְּמַקֵּל, שָׁבַר מַקֵּל בְּפָנֶיהָ – חַיָּיב, זָרַק מַקֵּל בְּפָנֶיהָ – פָּטוּר. אָמַר לֵיהּ אַבַּיֵי לְרָבָא: מַאי שָׁנָא שָׁבַר? דַּהֲוָה לֵיהּ כְּעֵין זְבִיחָה; זָרַק נַמִּי הֲוָה לֵיהּ כְּעֵין זְרִיקָה! אָמַר לֵיהּ: בָּעֵינָא זְרִיקָה מִשְׁתַּבֶּרֶת וְלֵיכָא.

§ **Rav Yehuda says** that **Rav says:** In the case of an object of **idol worship that is worshipped by** means of **a stick,**[N] e.g., by beating a stick on another object in order to produce noise, if one **broke a stick**[N] **before it,** he is **liable.** If he **threw a stick before it,** he is **exempt. Abaye said to Rava: What is different** about the case where one **broke** a stick? In this case one is liable **because it is similar to slaughtering** an offering, which is a rite performed in the Temple; so **too,** in the case where one **threw** a stick, **it is similar to** the **sprinkling** of the blood on the altar. Rava **said to** Abaye: In order for a sacrificial rite to be similar to the sprinkling of blood, **I require** a form of **throwing** that **scatters** the offering, **and** that is **not** the case here.

אִיתְיְבֵיהּ: סָפַת לָהּ צוֹאָה, אוֹ שֶׁנִּסַּךְ לְפָנֶיהָ עֲבִיט שֶׁל מֵימֵי רַגְלַיִם

Abaye **raised an objection to** Rava's explanation from a *baraita*: One who **fed** [*safat*][NL] an idol **excrement, or who poured a chamber pot of urine before** it[H] **as a libation,**

NOTES

Hoeing [*kishkushei*] – **קִשְׁקוּשֵׁי:** According to Rashi, *kishkushei* refers to hoeing. Hoeing may be done in order to enhance the growth of a tree or in order to eliminate cracks in the earth surrounding the roots, which endangers the tree's survival. Rabbeinu Ḥananel connects it to the term *mekoshesh*, meaning to remove dead branches. This too may be done either in order to enhance the growth of the tree or in order to remove a threat to its survival.

This is the reason that Rabba bar Yirmeya said to him – הַיְינוּ דְּקָאָמַר לֵיהּ: It is unclear to whom Rabba bar Yirmeya addressed this expression. In some manuscripts the term: To him, does not appear.

An object of idol worship that is worshipped by means of a stick – עֲבוֹדָה זָרָה שֶׁעוֹבְדִין אוֹתָהּ בְּמַקֵּל: Rashi explains that it is worshipped by rattling a stick in its presence. The Ra'avad explains that the stick is used to beat on a musical instrument or that it is placed in the idol's hand as an offering (Ra'avad).

If one broke a stick – שָׁבַר מַקֵּל: The underlying principle here is that there are two basic categories of prohibited idolatrous worship. The first is worship in the typical manner of worshipping a specific idol. Such practices are forbidden regardless of whether or not such a ritual has a parallel in the Temple service. Similarly, such worship is prohibited even if it appears to be disparaging to the idol, as long as it is the manner in which that specific idol is typically worshipped.

The second is an action that is defined as a form of worship because it has a parallel in the Temple service. It is therefore prohibited even if a specific idol is not generally worshipped in this fashion.

Rashi holds that since a stick is generally used in the worship of the specific idol discussed here, a rite performed with the stick can be likened to a similar rite performed in the Temple with an animal. Breaking the stick is parallel to slaughtering an offering in the Temple, and one is therefore liable for performing this rite. By contrast, throwing a stick neither has a parallel in the Temple service nor is it the typical manner of worshipping this idol, and therefore one is not liable for throwing it. Although many of the early commentaries reject this explanation, the Rambam appears to understand the Gemara in the same way.

The Ra'avad and the Ramban hold that breaking a stick is innately parallel to slaughtering an offering in the Temple and one is liable for worshipping any idol in this manner. The Gemara discusses an idol that is typically worshipped by means of a stick in order to teach that even in this case one is not liable for throwing the stick, as this is not the exact manner in which this idol is typically worshipped, nor is it parallel to a rite performed in the Temple (see also Ritva).

One who fed [*safat*] – **סָפַת:** Rashi explains that the term *safat* means that he fed it excrement, while *Tosafot* explain that it means he smeared it with excrement.

HALAKHA

Two types of hoeing – תְּרֵי קִשְׁקוּשֵׁי: Hoeing under olive trees during the Sabbatical Year for the purpose of enhancing the trees is prohibited. It is permitted when done for the purpose of closing up the cracks in the earth. This is in accordance with the opinion of Rav Ukva (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 1:7).

Or who poured a chamber pot of urine before it – אוֹ שֶׁנִּסַּךְ לְפָנֶיהָ עֲבִיט שֶׁל מֵימֵי רַגְלַיִם: If one poured out a chamber pot of urine onto an object of idol worship he is liable. This is in accordance with the *baraita* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:4; *Shulḥan Arukh*, *Yoreh De'a* 139:3).

BACKGROUND

One may smear oil on the unripe figs and may pierce them – סָכִין אֶת הַפֶּגִין וּמְנַקְּבִין: Smearing unripe figs with oil or piercing them serves to advance the process of ripening by releasing ethylene gas, which facilitates ripening. This process of artificial ripening can speed up the maturation of the figs by about one month. There is a second benefit to this process with regard to harvesting. When figs ripen naturally, they will ripen a day or two apart from each other. In contrast, artificial ripening allows for simultaneous ripening of a much greater crop.

LANGUAGE

Fed [*safat*] – **סָפַת:** This word apparently means to cut off or take a part of something, especially for the purpose of eating. There are those who hold that there are actually two different roots, one meaning to break or divide and the other meaning to feed (see *Tosafot*).

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חַיָּיב; בִּשְׁלָמָא עֲבִיט שֶׁל מֵימֵי רַגְלַיִם – אִיכָּא זְרִיקָה מִשְׁתַּבֶּרֶת, אֶלָּא צוֹאָה – מַאי זְרִיקָה מִשְׁתַּבֶּרֶת אִיכָּא? בְּצוֹאָה לַחָה.

is **liable,** even though these substances are repugnant, and even when this is not the typical manner of worshipping that idol. **Granted,** when one pours **a chamber pot of urine** before the idol, **there is** an act of **throwing** that **scatters** the offering. **But** in the case of **excrement, what** act of **throwing** that **scatters** the offering **is there?** The Gemara answers: This is stated **with regard to moist excrement,** which breaks apart when thrown.

לֵימָא בְּהָא קָמִיפַּלְגִי, דְּמָר סָבַר: אָמְרִינַן כְּעֵין זְבִיחָה, וּמָר סָבַר: לָא אָמְרִינַן כְּעֵין זְבִיחָה אֶלָּא כְּעֵין פְּנִים?

The Gemara suggests: **Let us say** that one's liability for breaking a stick as a form of idol worship is **the subject of** a dispute between ***tanna'im*:** If one **slaughtered a locust for** an idol,[NH] **Rabbi Yehuda deems** him **liable, and the Rabbis deem** him **exempt** from punishment.

מַאי לָאו בְּהָא קָמִיפַּלְגִי, דְּמָר סָבַר: אָמְרִינַן כְּעֵין זְבִיחָה, וּמָר סָבַר: לָא אָמְרִינַן כְּעֵין זְבִיחָה אֶלָּא כְּעֵין פְּנִים?

What, is it not about this issue **that they disagree:** One **Sage,** Rabbi Yehuda, **holds** that **we say** that one is liable even in the case of a rite that merely **resembles slaughtering** an animal, e.g., slaughtering a locust or breaking a stick. **And** one **Sage,** i.e., the Rabbis, **holds** that **we do not say** that it is sufficient for the rite to merely **resemble slaughtering** an animal. **Rather,** the rite must be **like** the type of slaughtering performed **inside** the Temple. One is therefore not liable for slaughtering a locust, since locusts are not slaughtered in the Temple.

לָא, דְּכוּלֵי עָלְמָא – לָא אָמְרִינַן כְּעֵין זְבִיחָה, אֶלָּא כְּעֵין פְּנִים בָּעֵינַן, וְשָׁאנֵי חָגָב, הוֹאִיל וְצַוָּארוֹ דּוֹמֶה לְצַוָּאר בְּהֵמָה.

The Gemara rejects this suggestion: **No, everyone** holds that **we do not say** that one is liable even for a rite that merely **resembles slaughtering** an animal. **Rather, we require** the rite to be **like** the type of slaughtering performed **inside** the Temple. **And** the case of **a locust is different,**[N] **since its neck is similar to** the **neck of an animal.**[B] Rabbi Yehuda therefore considers slaughtering a locust similar to the type of slaughter performed in the Temple.

אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ אָמַר רַב: עֲבוֹדָה זָרָה שֶׁעוֹבְדִין אוֹתָהּ בְּמַקֵּל, שָׁבַר מַקֵּל בְּפָנֶיהָ – חַיָּיב, וְנֶאֱסֶרֶת; זָרַק מַקֵּל לְפָנֶיהָ – חַיָּיב, וְאֵינָהּ נֶאֱסֶרֶת.

§ **Rav Naḥman says** that **Rabba bar Avuh says** that **Rav says:** In the case of an object of **idol worship that is worshipped by** means of **a stick,**[H] if one **broke a stick before it,** he is **liable and** the stick **is rendered prohibited.** If he **threw a stick before it,** he is **liable,** as its typical manner of worship involves a stick, **but** the stick **is not rendered prohibited.**

אֲמַר לֵיהּ רָבָא לְרַב נַחְמָן: מַאי שְׁנָא שָׁבַר? דְּהָוְיָא לֵיהּ כְּעֵין זְבִיחָה, זָרַק נַמִּי הָוְיָא לֵיהּ כְּעֵין זְרִיקָה! אֲמַר לֵיהּ: בָּעֵינַן זְרִיקָה מִשְׁתַּבֶּרֶת וְלֵיכָּא.

Rava said to Rav Naḥman: What is different about the case where one **broke** a stick? In this case the stick is rendered forbidden **as it is similar to slaughtering** an offering, which is a rite performed in the Temple; so **too,** in the case where one **threw** a stick, **it is similar to** the **sprinkling** of the blood on the altar. Rav Naḥman **said to** Rava: In order for a sacrificial rite to be similar to the sprinkling of blood, **we require** a form of **throwing** that **scatters** the offering, **and** that is **not** the case here.

NOTES

If one slaughtered a locust for an idol – שָׁחַט לָהּ חָגָב: This refers to a case where this is not the typical manner of worshipping the idol. In the case of an idol that is typically worshipped in this manner, everyone agrees that the transgressor is liable.

A locust is different – שָׁאנֵי חָגָב: According to the opinion of Rabbi Yehuda, although one does not slaughter locusts, one does sever its head in a manner that resembles the slaughter of animals, and it is therefore considered a form of worship that is similar to the service in the Temple. According to the conclusion of the Gemara, none of the opinions of the *tanna'im* are in agreement with that of Rav, who holds that one is liable for the breaking of a stick.

HALAKHA

If one slaughtered a locust for an idol – שָׁחַט לָהּ חָגָב: The Rambam rules that if one slaughtered a locust in idolatrous worship he is exempt, unless this was its typical manner of worship. According to the *Shulḥan Arukh* one is liable even if it is not the typical method of worship, in accordance with the opinion of Rabbi Yehuda, as his opinion is accepted by the *amora'im* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:4; *Shulḥan Arukh*, *Yoreh De'a* 139:4, and *Shakh* and *Beur HaGra* there).

That is worshipped by means of a stick – שֶׁעוֹבְדִין אוֹתָהּ בְּמַקֵּל: The Rambam rules that if one broke a stick before an idol that is typically worshipped by means of a stick, he is liable, and the stick is rendered forbidden. But if he threw a stick before it, although he is liable, the stick is not rendered forbidden. This is due to the fact that this is neither the typical manner of worshipping this idol, nor is it comparable to the sprinkling of blood on the altar, which scatters the blood. This ruling is in accordance with the opinion of Rav Naḥman, citing the opinion of Rav.

According to the *Shulḥan Arukh*, if one sacrifices in idolatrous worship an item that is not sacrificed in the Temple service, that person is liable and the item is rendered prohibited only under the following circumstances: If the worshipper used the item in the typical manner of worshipping that idol then he is liable. If, in addition, the manner of worship was similar to slaughtering or involved throwing the offering in a way that scatters the offering, then it also renders the object forbidden. For example, if one rattles a stick before an idol that is typically worshipped in this manner, he is liable. If he broke a stick before it, which is similar to slaughtering, then the offering is also rendered forbidden. This is in accordance with the opinion of Rav Naḥman, as interpreted by Rashi, who maintains that Rav Naḥman does not disagree with Rav Yehuda (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:3; *Shulḥan Arukh*, *Yoreh De'a* 139:3).

BACKGROUND

Is similar to the neck of an animal – דּוֹמֶה לְצַוָּאר בְּהֵמָה: Most insects possess a head located very close to the body, i.e., the thorax, and therefore lack a visible neck. Nevertheless, some types of grasshopper possess an uncommonly visible pronotum protecting the front of the thorax. This feature has the appearance of a neck, and so even though a grasshopper cannot be truly slaughtered, it can appear to be slaughtered much like animals with necks.

Pronotum of a grasshopper

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אֶלָּא מֵעַתָּה, אַבְנֵי בֵּית מַרְקוּלִיס בַּמֶּה יֵאָסְרוּ? אָמַר לֵיהּ: אַף לְדִידִי קַשְׁיָא לִי, וּשְׁאַלְתִּיהּ לְרַבָּה בַּר אֲבוּהּ, וְרַבָּה בַּר אֲבוּהּ לְחִיָּא בַּר רַב, וְחִיָּא בַּר רַב לְרַב, וַאֲמַר לֵיהּ: נַעֲשָׂה כִּמְגַדֵּל עֲבוֹדָה זָרָה.

Rava asked Rav Naḥman: **If that is so, by what** means are the **stones of a place of** worship dedicated to **Mercury rendered prohibited,** as they do not break apart when they are thrown? Rav Naḥman **said to** Rava: This question **was difficult for me as well, and I asked Rabba bar Avuh** about **it, and Rabba bar Avuh** asked **Ḥiyya bar Rav, and Ḥiyya bar Rav** asked **Rav. And** Rav **said to** Ḥiyya bar Rav: This action **is comparable to** the act of **enlarging** the object of **idol worship.** The stones are not rendered prohibited as an offering brought in idol worship; rather, they are considered part of the pile dedicated to Mercury itself.

הָנִיחָא לְמַאן דְּאָמַר: עֲבוֹדָה זָרָה שֶׁל גּוֹי אֲסוּרָה מִיָּד, אֶלָּא לְמַאן דְּאָמַר: עַד שֶׁתֵּעָבֵד, תִּישְׁתְּרֵי, דְּהָא לָא פְּלַחָהּ! אֲמַר לֵיהּ: כָּל אַחַת וְאַחַת נַעֲשֵׂית עֲבוֹדָה זָרָה וְתִקְרוֹבֶת לַחֲבֶרְתָּהּ.

Rava said to Rav Naḥman: **This works out well according to the one who says** that the object of **idol worship of a gentile** is **prohibited immediately. But according to the one who says** it is not forbidden **until it is worshipped, let it be permitted, as he did not worship it,** since he sacrificed no offering to it. Rav Naḥman **said to** Rava: **Each and every one** of the stones **becomes** part of the object of **idol worship and** is also considered **an offering to the other** stone that preceded it.

אִי הָכִי, בַּתְרֵייתָא מִיהָא תִּשְׁתְּרֵי! אֲמַר לֵיהּ: אִי יָדַעְתְּ לָהּ זִיל שְׁקַלָהּ. רַב אַשִׁי אָמַר: כָּל אַחַת וְאַחַת נַעֲשֵׂית תִּקְרוֹבֶת לְעַצְמָהּ וְתִקְרוֹבֶת לַחֲבֶרְתָּהּ.

Rava replied: **If so, at least the last** stone **should be permitted,** as nothing has yet been sacrificed to it. Rav Naḥman **said to** Rava: **If you know** which one **it** is, you may **go** and **take it,** as it is indeed permitted. **Rav Ashi says:** Even the last stone is forbidden, as **each and every one** of the stones **becomes an offering to itself and** also **an offering to the other** stone that preceded it.

תְּנַן: מָצָא בְּרֹאשׁוֹ כְּסוּת וּמָעוֹת אוֹ כֵּלִים – הֲרֵי אֵלּוּ מוּתָּרִין; פַּרְכִּילֵי עֲנָבִים, וַעֲטָרוֹת שֶׁל שִׁבֳּלִים, וְיֵינוֹת, שְׁמָנִים וּסְלָתוֹת, וְכָל דָּבָר שֶׁכַּיּוֹצֵא בּוֹ קָרֵב לְגַבֵּי מִזְבֵּחַ – אָסוּר;

We learned in a mishna (51b): If one **found a garment, money, or vessels at the head of** Mercury, **they are permitted,** as they are not an offering but were left there for some other reason. If one found vine **branches** [***parkilei***][L] laden with clusters **of grapes, or wreaths** made **of stalks, or** containers of **wine, oil, or flour, or any** other **item the like of which is sacrificed on** the **altar** there, that item is **prohibited.**

בִּשְׁלָמָא יֵינוֹת שְׁמָנִים וּסְלָתוֹת – אִיכָּא כְּעֵין פְּנִים וְאִיכָּא כְּעֵין זְרִיקָה מִשְׁתַּבֶּרֶת, אֶלָּא פַּרְכִּילֵי עֲנָבִים וַעֲטָרוֹת שֶׁל שִׁבֳּלִים – לָא כְּעֵין פְּנִים אִיכָּא, וְלָא כְּעֵין זְרִיקָה מִשְׁתַּבֶּרֶת אִיכָּא!

The Gemara asks: **Granted,** with regard to **wine, oil, or flour,**[N] **there is** a sacrificial rite **comparable to** those rites performed **inside** the Temple, **and there is** a rite that is **similar to** the **sprinkling** of blood that **scatters** the offering. **But** in the case of vine **branches** laden with clusters **of grapes, and wreaths** made **of stalks, there is neither** a sacrificial rite **comparable to** those rites performed **inside** the Temple, as these items are not sacrificed on the altar in the Temple, **nor is there** a rite that is **similar to** the **sprinkling** of blood on the altar that **scatters** the offering.

אָמַר רָבָא אָמַר עוּלָּא: כְּגוֹן שֶׁבְּצָרָן מִתְּחִלָּה לְכָךְ.

Rava said that **Ulla said:** The mishna is referring to a case **where** he **initially picked** the grapes **for that** purpose, in order to sacrifice them in idolatrous worship. The act of picking the fruit is comparable to slaughtering an animal, and it renders them forbidden.

אָמַר רַבִּי אַבָּהוּ אָמַר רַבִּי יוֹחָנָן: מִנַּיִן לַזּוֹבֵחַ בְּהֵמָה בַּעֲלַת מוּם לַעֲבוֹדָה זָרָה, שֶׁהוּא פָּטוּר? שֶׁנֶּאֱמַר: ״זֹבֵחַ לָאֱלֹהִים יָחֳרָם בִּלְתִּי לַה׳ לְבַדּוֹ״, לֹא אָסְרָה תּוֹרָה אֶלָּא כְּעֵין פְּנִים.

§ **Rabbi Abbahu says** that **Rabbi Yoḥanan says: From where** is it derived **concerning one who slaughters a blemished animal in idolatrous worship**[H] **that he is exempt?** It is derived from a verse, **as it is stated: "He that sacrifices to the gods, save to the Lord only, shall be utterly destroyed"** (Exodus 22:19). The verse contrasts sacrificing an offering to the Lord with sacrificing an offering to other gods, indicating that **the Torah prohibits only** sacrificial rites that are **comparable to** those rites performed **inside** the Temple, and blemished animals are disqualified from being sacrificed in the Temple.

הָוֵי בָּהּ רָבָא, בְּמַאי? אִילֵימָא בִּדּוּקִין שֶׁבָּעַיִן, הָשְׁתָּא לִבְנֵי נֹחַ חֲזָיָא לְגַבּוֹהַּ בְּבָמָה דִּידְהוּ, לַעֲבוֹדָה זָרָה מִיבָּעְיָא?

Rava discussed this matter: **With regard to what** type of blemish does this apply? **If we say** that it applies **in** the case of a blemish **on the cornea of the eye,** that is difficult: **Now** that such an offering is **fit for descendants of Noah** to offer **to the Most High on their** personal **altar,**[N] **is it necessary** to state that it is considered an offering **with regard to** the prohibition of **idol worship?**

LANGUAGE

Vine branches [*parkilei*] – פַּרְכִּילֵי: The origin of this word is uncertain. It may be related to the Greek φραγέλλιον, *fragellion*, and the Latin flagellum, which means branch or twig.

NOTES

Granted with regard to wine, oil, or flour – בִּשְׁלָמָא יֵינוֹת שְׁמָנִים וּסְלָתוֹת: Some explain that in the case of wine, oil, and flour, the sacrifice is considered similar to the service performed in the Temple, as one may presume that part of the wine was poured as a libation, and part of the flour was burned as an offering, in the manner that these are sacrificed in the Temple (Ra'ah; Ritva). By contrast, the Rosh maintains that the wine, oil, and flour are rendered prohibited as offerings brought in idolatrous worship even if they were merely placed before the idol as an offering, since wine, oil, and flour are sacrificed as offerings in the Temple.

Fit for descendants of Noah to offer to the Most High on their personal altar – לִבְנֵי נֹחַ חֲזָיָא לְגַבּוֹהַּ בְּבָמָה דִּידְהוּ: The Torah passage that teaches the prohibition against slaughtering an offering outside the Temple commences with the words: "Speak to Aaron, and to his sons, and to all the children of Israel" (Leviticus 17:2). The Sages derive from this verse that the prohibition applies only to Jews, whereas gentiles may sacrifice on their personal altars whatever they wish to sacrifice to God (see *Zevaḥim* 116b). Nevertheless, they may not sacrifice animals that are lacking a limb, as the Gemara explains.

HALAKHA

Concerning one who slaughters a blemished animal in idolatrous worship – לַזּוֹבֵחַ בְּהֵמָה בַּעֲלַת מוּם לַעֲבוֹדָה זָרָה: One who slaughters an animal lacking a limb to an object of idol worship is exempt unless this is its typical manner of worship. This is in accordance with the opinion of Rabbi Yoḥanan. According to the Ra'avad, he is liable for slaughtering an animal lacking a limb even if it is not the idol's typical manner of worship. This is in accordance with the statements of Rav Yehuda and Rav Naḥman (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:4).

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אֶלָּא בִּמְחוּסַּר אֵבֶר, וְכִדְרַבִּי אֶלְעָזָר, דְּאָמַר רַבִּי אֶלְעָזָר: מִנַּיִן לִמְחוּסַּר אֵבֶר שֶׁהוּא אָסוּר לִבְנֵי נֹחַ? שֶׁנֶּאֱמַר: ״וּמִכָּל הַחַי מִכָּל בָּשָׂר שְׁנַיִם מִכֹּל״, אָמְרָה תּוֹרָה: תָּבֵא בְּהֵמָה שֶׁחַיִּין רָאשֶׁי אֵבָרִין שֶׁלָּהּ.

Rather, the *halakha* that one who slaughters a blemished animal in idolatrous worship is exempt is stated **with regard to** an animal that is **lacking a limb, and** it is **in accordance with** the statement **of Rabbi Elazar. As Rabbi Elazar says: From where** is it derived that **with regard to** an animal **that is lacking a limb, it is prohibited for descendants of Noah** to sacrifice it? This is derived from a verse, **as it is stated: "And of every living thing of all flesh, two of every** sort you shall bring into the ark, to keep them alive with you" (Genesis 6:19). **The Torah stated:** "Of every living thing," indicating that Noah should **bring** into the ark **an animal whose extremities are living,** as some of the animals would subsequently be used as offerings.

הַאי ״וּמִכָּל הַחַי״ מִיבָּעֵי לֵיהּ לְמַעוּטֵי טְרֵיפָה! מִ״לְהַחֲיוֹת זֶרַע״ נָפְקָא.

The Gemara asks: Isn't **that** phrase: **"And of every living thing,"** required **to exclude an animal with a wound that will cause it to die within twelve months** [*tereifa*],[B] which is disqualified as an offering? The Gemara answers: The disqualification of a *tereifa* is **derived from** the verse: "Of the fowl also of the air, seven and seven, male and female, **to keep seed alive** upon the face of all the earth" (Genesis 7:3), as a *tereifa* cannot procreate.

הָנִיחָא לְמַאן דְּאָמַר: טְרֵיפָה אֵינָהּ יוֹלֶדֶת, אֶלָּא לְמַאן דְּאָמַר: טְרֵיפָה יוֹלֶדֶת, מַאי אִיכָּא לְמֵימַר?

The Gemara asks: **This works out well according to the one who says** that a ***tereifa* cannot bear offspring. But according to the one who says** that a ***tereifa* can bear offspring, what can be said?** According to this opinion, a *tereifa* cannot be excluded by the phrase "to keep seed alive," as it can procreate.

אָמַר קְרָא: ״אִתָּךְ״, אִתָּךְ – בְּדוֹמִין לָךְ. וְדִלְמָא נֹחַ גּוּפֵיהּ טְרֵיפָה הֲוָה! ״תְּמִים״ כְּתִיב בֵּיהּ.

The Gemara answers: **The verse states:** "You shall bring into the ark, to keep them alive **with you"** (Genesis 6:19). The term **"with you"** indicates that the verse is referring **to** animals that are **similar to you,** excluding a *tereifa*. The Gemara challenges: **But perhaps Noah himself was a *tereifa*.** In that case, one cannot exclude a *tereifa* from the comparison of animals to Noah. The Gemara explains: **It is written about** Noah that he was "a man righteous and **without blemish"** (Genesis 6:9), indicating that he was physically whole.

דִּלְמָא תָּמִים בִּדְרָכָיו! ״צַדִּיק״ כְּתִיב בֵּיהּ.

The Gemara challenges: **Perhaps** the term **"without blemish"** is referring **to his conduct,** and not to his physical attributes. The Gemara explains: The term **"righteous" is written about him,** indicating that his conduct was faultless, and therefore the term "without blemish" is necessarily referring to his physical completeness.

דִּלְמָא תָּמִים בִּדְרָכָיו, וְצַדִּיק בְּמַעֲשָׂיו! לָא מָצֵית אָמְרַתְּ דְּנֹחַ גּוּפֵיהּ טְרֵיפָה הֲוָה, דְּאִי סָלְקָא דַּעְתָּךְ נֹחַ טְרֵיפָה הֲוָה, אֲמַר לֵיהּ רַחֲמָנָא: דְּכָוֵותָךְ עֲיֵיל, שְׁלֵמִין לָא תְּעֲיֵיל?

The Gemara challenges: **Perhaps** the term **"without blemish"** is referring **to his conduct, and** the term **"righteous"** is referring **to his** good **deeds.** The Gemara explains: **You cannot say that Noah himself was a *tereifa*, as, if it enters your mind** to say that **Noah was a *tereifa*,** you must say that **the Merciful One said to** Noah: **Bring** into the ark animals **that are similar to you,** i.e., *tereifot*, but **do not bring whole,** unblemished animals, and this is clearly not reasonable.

הָשְׁתָּא דְּנָפְקָא מֵ״אִתָּךְ״, ״לְהַחֲיוֹת זֶרַע״ לָמָּה לִי? אִי מֵ״אִתָּךְ״, הֲוָה אָמִינָא לְצַוּוֹתָא בְּעָלְמָא, וַאֲפִילּוּ זָקֵן וַאֲפִילּוּ סָרִיס, קָא מַשְׁמַע לָן: ״לְהַחֲיוֹת זֶרַע״.

The Gemara asks: **Now that** the disqualification of a *tereifa* **is derived from** the term **"with you," why do I** need the phrase **"to keep seed alive"?** The Gemara answers: **If** one excluded a *tereifa* only **from** the term **"with you," I would say** that Noah brought the animals into the ark **merely for** the purpose of **companionship, and** therefore **even an aged** animal who could not bear offspring **and even one who was castrated** could be brought into the ark. The phrase **"to keep seed alive"** therefore **teaches us** that only animals that could reproduce were brought into the ark.

BACKGROUND

Animal with a wound that will cause it to die within twelve months [*tereifa*] – טְרֵיפָה: Generally speaking, a *tereifa* is an animal that is suffering from a physical condition that will cause it to die within twelve months. It is prohibited by Torah law to eat an animal that has been injured or is stricken with a disease of this nature even if it undergoes ritual slaughter.

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אָמַר רַבִּי אֶלְעָזָר: מִנַּיִן לַשּׁוֹחֵט בְּהֶמָה לְמַרְקוּלִיס שֶׁהוּא חַיָּיב? שֶׁנֶּאֱמַר: ״וְלֹא יִזְבְּחוּ עוֹד אֶת זִבְחֵיהֶם לַשְּׂעִירִם״, אִם אֵינוֹ עִנְיָן לְכַדְּרָכָהּ, דִּכְתִיב: ״אֵיכָה יַעַבְדוּ הַגּוֹיִם הָאֵלֶּה אֶת אֱלֹהֵיהֶם״, תְּנֵהוּ עִנְיָן לְשֶׁלֹּא כְּדַרְכָּהּ.

§ **Rabbi Elazar says: From where** is it derived **concerning one who slaughters an animal** as an offering **to Mercury**[H] **that he is liable** even though it is not typically worshipped in this manner? This is derived from a verse, **as it is stated: "And they shall not slaughter their offerings anymore to the *se'irim*** after whom they go astray; this shall be to them an eternal statute, throughout their generations" (Leviticus 17:7). **If** this verse **is not** needed for the **matter of** prohibiting the worship of an idol in **its** typical **manner,** it must apply to another matter. The verse cannot be referring to idols that are typically worshipped by slaughtering offerings, **as** this prohibition **is written** in the verse: "And lest you inquire after their gods, saying: **How do these nations serve their gods?** Even so will I do likewise" (Deuteronomy 12:30). One must therefore **apply** the verse to the **matter of** prohibiting the worship of an idol in **an atypical manner.**

וְהָא לְהָכִי הוּא דְּאָתָא? הַאי מִיבָּעֵי לֵיהּ לְכִדְתַנְיָא:

The Gemara asks: **But** with regard to **this** verse, **does it come to** teach **this** prohibition? **This** verse **is required for that which is taught** in a *baraita*, with regard to the prohibition against sacrificing offerings outside the Tabernacle:

HALAKHA

Concerning one who slaughters an animal to Mercury – לַשּׁוֹחֵט בְּהֶמָה לְמַרְקוּלִיס: One who worships in a manner that is similar to the service in the Temple, or bows to an object of idol worship, is liable, even if this is not the idol's typical manner of worship. Therefore, one who pours a libation to Peor or slaughters an offering to Mercury is liable (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 3:3).

Perek **IV**
Daf **51** Amud **b**

עַד כָּאן הוּא מְדַבֵּר בְּקָדָשִׁים שֶׁהֻקְדְּישָׁן בְּשָׁעַת אִיסּוּר הַבָּמוֹת וְהִקְרִיבָן בְּשָׁעַת אִיסּוּר הַבָּמוֹת,

The verse states: "Any man … that slaughters an ox … outside the camp, and to the entrance of the Tent of Meeting he did not bring it, to sacrifice an offering to the Lord" (Leviticus:17:3–4). **Until this point,** the verse is **speaking about sacrificial** animals **that one consecrated during a period when the prohibition of** sacrificing offerings on private **altars** was in effect, after the Tabernacle was erected, **and** then **he** also **sacrificed them during a period when the prohibition of** sacrificing on private **altars** was in effect.

שֶׁהֲרֵי עוֹנְשָׁן אָמוּר, שֶׁנֶּאֱמַר: ״וְאֶל פֶּתַח אֹהֶל מוֹעֵד לֹא הֱבִיאוֹ״ וגו׳. עוֹנֶשׁ שָׁמַעְנוּ, אַזְהָרָה מִנַּיִן? תַּלְמוּד לוֹמַר: ״פֶּן תַּעֲלֶה עֹלֹתֶיךָ״;

This is apparent **as** the **punishment** for sacrificing **them is stated**[H] in this verse, **as it is stated: "And to the entrance of the Tent of Meeting he did not bring it,** to sacrifice an offering to the Lord, before the Tabernacle of the Lord … that man shall be cut off from among his people" (Leviticus:17:4). **We have heard** from that verse the **punishment,** but with regard to the **prohibition** against sacrificing on a private altar, **from where** is it derived? **The verse states:** "Take heed to yourself **lest you offer up your burnt-offerings** in every place that you see" (Deuteronomy 12:13).

וְכִדְרַבִּי אָבִין אָמַר רַבִּי אִילָא, דְּאָמַר רַבִּי אָבִין אָמַר רַבִּי אִילָא: כָּל מָקוֹם שֶׁנֶּאֱמַר ״הִשָּׁמֵר״ וּ״פֶן״ וְ״אַל״ – אֵינוֹ אֶלָּא בְּלֹא תַּעֲשֶׂה;

The Gemara comments: **And** this is **in accordance with** the principle **that Rabbi Avin** says that **Rabbi Ile'a says, as Rabbi Avin says** that **Rabbi Ile'a says: Wherever it is stated: "Beware," "lest," or "do not,"** this is **nothing other than a prohibition.**

מִכָּאן וְאֵילָךְ הוּא מְדַבֵּר בְּקָדָשִׁים שֶׁהֻקְדְּישָׁן בְּשָׁעַת הֶיתֵּר הַבָּמוֹת וְהִקְרִיבָן בְּשָׁעַת אִיסּוּר הַבָּמוֹת,

The *baraita* continues: **From that** point **onward,** the verse is **speaking about sacrificial** animals **that one consecrated during a period when** there was **permission** to sacrifice offerings on private **altars,** before the Tabernacle was erected, **and** then **one sacrificed them** outside the Tabernacle **during a period when the prohibition of** sacrificing on private **altars** was in effect.

HALAKHA

The punishment for sacrificing them is stated – עוֹנְשָׁן אָמוּר: One who sacrifices an offering outside the Temple courtyard transgresses both a positive mitzva and a prohibition. If he does so intentionally he is liable to receive the punishment of *karet* (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 18:2).

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שֶׁנֶּאֱמַר: ״לְמַעַן אֲשֶׁר יָבִיאוּ בְּנֵי יִשְׂרָאֵל אֶת זִבְחֵיהֶם אֲשֶׁר הֵם זֹבְחִים״ – שֶׁהִתַּרְתִּי לְךָ כְּבָר, ״עַל פְּנֵי הַשָּׂדֶה״ – מְלַמֵּד שֶׁכָּל הַזּוֹבֵחַ בְּבָמָה בִּשְׁעַת אִיסּוּר הַבָּמוֹת, מַעֲלֶה עָלָיו הַכָּתוּב כְּאִילּוּ הוּא זוֹבֵחַ עַל פְּנֵי הַשָּׂדֶה;

This is apparent, **as it is stated: "In order that the children of Israel shall bring their sacrifices, which they slaughter** upon the open field, that they shall bring them to the Lord, to the entrance of the Tent of Meeting" (Leviticus 17:5). The phrase: "Their sacrifices, which they slaughter," is interpreted as referring to offerings **that I have previously permitted you** to slaughter on private altars. This verse teaches that those offerings may now be sacrificed only inside the Tabernacle. The phrase "**upon the open field**" **teaches that** in the case of **anyone who slaughters** an offering **on** a private **altar during a period when the prohibition of** sacrificing on private **altars** is in effect, even if he sacrifices the offering to God, **the verse ascribes him** blame **as if he is slaughtering** it **upon the open field** in idolatrous worship.

״וְהֵבִיאָם לַה׳״ – זוֹ מִצְוַת עֲשֵׂה, וּמִצְוַת לֹא תַּעֲשֶׂה מִנַּיִן? תַּלְמוּד לוֹמַר: ״וְלֹא יִזְבְּחוּ עוֹד אֶת זִבְחֵיהֶם״;

The verse continues: "**That they shall bring them to the Lord.**" **This** is **a positive mitzva** to sacrifice even offerings that were consecrated before the Tabernacle was erected in the wilderness. **And from where** is it derived that there is **a prohibition** against sacrificing them outside the Tabernacle? **The verse states: "And they shall not slaughter their offerings anymore** to the *se'irim* after whom they go astray; this shall be to them an eternal statute, throughout their generations" (Leviticus 17:7).

יָכוֹל יְהֵא עָנוּשׁ כָּרֵת? תַּלְמוּד לוֹמַר: ״חֻקַּת עוֹלָם תִּהְיֶה זֹאת לָהֶם״, זֹאת לָהֶם – וְלֹא אַחֶרֶת לָהֶם!

One **might** have thought that sacrificing these offerings outside the Tabernacle **would be punishable by *karet*,** as this is the *halakha* with regard to offerings consecrated after the Tabernacle was consecrated. Therefore, **the verse states: "This shall be to them an eternal statute,** throughout their generations" (Leviticus 17:7). One can infer from this verse that **this,** the punishment for transgressing a positive mitzva and a prohibition, applies **to them, but no other** punishment applies **to them.** In any event, the *baraita* interprets the verse: "And they shall not slaughter their offerings anymore to the *se'irim*," as prohibiting sacrificing to God on private altars, not as Rabbi Elazar interpreted it, as prohibiting the worship of an idol in an atypical manner.

אֲמַר רָבָא, קְרֵי בֵּיהּ: ״וְלֹא יִזְבְּחוּ״, וּקְרֵי בֵּיהּ: ״וְלֹא עוֹד״.

Rava said: One may derive both *halakhot* from the verse, as the term "And they shall not" can be interpreted as referring to two distinct prohibitions. **Read into** the verse: "**And they shall not slaughter,**" which is interpreted as prohibiting offerings to God on private altars. **And** also **read into** the verse: "**And they shall not** slaughter… **anymore** to the *se'irim*," which is interpreted as prohibiting the worship of an idol in an atypical manner.

מתני׳ מָצָא בְּרֹאשׁוֹ מָעוֹת, כְּסוּת אוֹ כֵלִים – הֲרֵי אֵלּוּ מוּתָּרִין; פַּרְכִּילֵי עֲנָבִים, וַעֲטָרוֹת שֶׁל שְׁבָלִים, וְיֵינוֹת וּשְׁמָנִים וְסֹלְתוֹת, וְכָל דָּבָר שֶׁכַּיּוֹצֵא בּוֹ קָרֵב עַל גַּבֵּי הַמִּזְבֵּחַ – אָסוּר.

MISHNA If one **found money, a garment, or vessels at the head of** Mercury,[H] **these are permitted.** If one found vine **branches** laden with clusters **of grapes, or wreaths** made **of stalks, or** containers of **wine, oil, or flour, or any** other **item the likes of which is sacrificed on the altar**[H] there, it is **prohibited.**

HALAKHA

If one found money, a garment, or vessels at the head of Mercury, etc. – מָצָא בְּרֹאשׁוֹ מָעוֹת כְּסוּת אוֹ כֵלִים: If one found money, garments, or vessels at the head of an object of idol worship placed in a manner that honors it, they are forbidden. If they are placed in a manner of degradation, then they are permitted. This is in accordance with the mishna, as interpreted by the Gemara (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:16; *Shulḥan Arukh*, *Yoreh De'a* 139:7).

Any other item the likes of which is sacrificed on the altar – כָּל דָּבָר שֶׁכַּיּוֹצֵא בּוֹ קָרֵב: An offering to an object of idol worship is prohibited if, and only if, it is the sort of item that is offered in the Temple service, such as meat, oil, flour, water, or salt. If such an item is offered to an object of idol worship, it is immediately rendered forbidden (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:16; *Shulḥan Arukh*, *Yoreh De'a* 139:3).

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גמ׳ מְנָהֲנֵי מִילֵּי? אָמַר רַב חִיָּיא בַּר יוֹסֵף אָמַר רַבִּי אוֹשַׁעְיָא, כָּתוּב אֶחָד אוֹמֵר: ״וַתִּרְאוּ אֶת שִׁקּוּצֵיהֶם וְאֶת גִּלֻּלֵיהֶם עֵץ וָאֶבֶן כֶּסֶף וְזָהָב אֲשֶׁר עִמָּהֶם״, וְכָתוּב אֶחָד אוֹמֵר: ״לֹא תַחְמֹד כֶּסֶף וְזָהָב עֲלֵיהֶם״, הָא כֵּיצַד?

GEMARA The mishna teaches that money, clothing, or vessels found at the head of the idol are not forbidden. The Gemara asks: **From where are these matters** derived? **Rav Ḥiyya bar Yosef says** that **Rabbi Oshaya says: One verse states: "And you have seen their detestable things and their idols, wood and stone, silver and gold, which are with them"** (Deuteronomy 29:16). **And one verse states: "You shall not covet the silver or the gold that is on them,** nor take it for yourself" (Deuteronomy 7:25). **How** can **these** texts be reconciled? The second verse mentions the prohibition of only silver and gold, whereas the first verse also mentions wood and stone.

עִמָּהֶם דּוּמְיָא דַּעֲלֵיהֶם, מָה עֲלֵיהֶם – דָּבָר שֶׁל נוֹי אָסוּר, שֶׁאֵינוֹ שֶׁל נוֹי מוּתָּר, אַף עִמָּהֶם – דָּבָר שֶׁל נוֹי אָסוּר, וְשֶׁאֵינוֹ שֶׁל נוֹי מוּתָּר.

The Gemara answers: This teaches that the prohibition with regard to those items that are "**with them,**" i.e., those found next to the idols, is **similar to** the prohibition with regard to those items that are "**on them.**" **Just as** with regard to those items that are **on** the idols, **a decorative item,**[H] e.g., gold or silver, is **prohibited,** but that **which is not a decorative** item is **permitted, so too,** with regard to those items that are **with** the idols, **a decorative item** is **prohibited, and** that **which is not a decorative** item is **permitted.**

וְאֵימָא: עֲלֵיהֶם דּוּמְיָא דְּעִמָּהֶם, מָה עִמָּהֶם – כָּל מַה שֶּׁעִמָּהֶם, אַף עֲלֵיהֶם – כָּל שֶׁעֲלֵיהֶם! אִם כֵּן, לֹא יֹאמַר ״עֲלֵיהֶם״.

The Gemara challenges: **But** one could **say** to the contrary, that the prohibition with regard to those items that are "**on them**" is **similar to** the prohibition with regard to those items that are "**with them.**" **Just as** with regard to those items that are **with** the idols, **everything that is** found **with them** is included in the prohibition, as the verse mentions wood and stone, which are not decorative items, **so too,** with regard to those items that are **on** the idols, **everything that is on them** is forbidden. The Gemara explains: **If so,** the verse **should not state** the prohibition with regard to items that are **on** the idols, as it may be inferred *a fortiori* from the prohibition with regard to items that are found next to them.

מָעוֹת דָּבָר שֶׁל נוֹי הוּא! אָמְרִי דְּבֵי רַבִּי יַנַּאי: בְּכִיס קָשׁוּר וְתָלוּי לוֹ בְּצַוָּארוֹ.

The Gemara challenges: The mishna teaches that money that is found at the head of the idol is permitted. This is difficult, as **money is a decorative item. The school of Rabbi Yannai say:** The ruling of the mishna is not stated with regard to a case where coins were placed on the idol in order to adorn it. Rather, the ruling of the mishna is stated **with regard to** a case where the money is inside **a purse** that is **tied** onto the idol **and suspended from its neck** for safekeeping, or left there as payment for the priests.

כְּסוּת דָּבָר שֶׁל נוֹי הוּא! אָמְרִי דְּבֵי רַבִּי יַנַּאי: בִּכְסוּת מְקוּפֶּלֶת וּמוּנַּחַת לוֹ עַל רֹאשׁוֹ. כְּלִי דָּבָר שֶׁל נוֹי הוּא! אָמַר רַב פַּפָּא: דְּסִחְיָפָא לֵיהּ מַשְׁכִּילְתָּא אַרֵישֵׁיהּ.

The Gemara challenges: The mishna teaches that a garment found at the head of the idol is permitted. This is difficult, as **a garment is a decorative item. The school of Rabbi Yannai say:** The ruling of the mishna is not stated with regard to a garment that was placed on the idol in order to adorn it. Rather, the ruling of the mishna is stated **with regard to a garment** that is **folded and placed upon the head of** the idol. The Gemara challenges: The mishna teaches that vessels found at the head of the idol are permitted. This is difficult, as **a vessel is a decorative item. Rav Pappa said:** The mishna is referring to **where a pot** [*mashkilta*][L] **is placed upside down upon the head of** the idol, in which case it does not serve as decoration.

HALAKHA

Decorative item – דָּבָר שֶׁל נוֹי: If an item was found placed on an object of idol worship in a manner of beauty and honor, it is forbidden. If it was found placed in a manner of degradation, such as a purse hung around its neck or a garment placed folded up on its head or a vessel placed over its head, it is permitted. This is in accordance with the statements of Rabbi Yannai and Rav Pappa (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:16; *Shulḥan Arukh*, *Yoreh De'a* 139:7).

LANGUAGE

Pot [*mashkilta*] – מַשְׁכִּילְתָּא: The term *mashkilta* apparently refers to a large earthenware vessel, a sort of large bowl. It was primarily used for washing items, as well as for soaking meat and the like.

Earthenware pots

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אָמַר רַב אַסִי בַּר חִיָּיא: כָּל שֶׁהוּא לִפְנִים מִן הַקִּלְקָלִין – אֲפִילּוּ מַיִם וּמֶלַח אָסוּר, חוּץ לַקִּלְקָלִין – דָּבָר שֶׁל נוֹי אָסוּר, שֶׁאֵינוֹ שֶׁל נוֹי מוּתָּר. אָמַר רַבִּי יוֹסֵי בַּר חֲנִינָא, קָטָנָא: אֵין קִלְקָלִין לֹא לְפְעוֹר וְלֹא לְמַרְקוּלִיס.

Rav Asi bar Ḥiyya says: Any item **that is** found **within the** inner **partitions** [***hakilkalin***][NLH] that surround the idol, **even water or salt,**[N] **is prohibited,** as it is assumed to be an offering brought in idolatrous worship. With regard to items that are found **outside the partitions, a decorative item** is **prohibited,** but that **which is not a decorative** object is **permitted. Rabbi Yosei bar Ḥanina says: We have a tradition** that the *halakha* with regard to the **partitions** applies **neither to Peor nor to Mercury.**

לְמַאי? אִילֵימָא דְּאַפִּילּוּ פְּנִים כְּחוּץ דְּמֵי וְשָׁרֵי; הָשְׁתָּא פַּעוּרֵי מְפָעֲרִין קָמִיהּ, מַיִם וּמֶלַח לָא מַקְרְבִין לֵיהּ? אֶלָּא, אַפִּילּוּ חוּץ כִּבְפְנִים דָּמֵי וְאָסוּר.

The Gemara asks: **With regard to what** *halakha* is this stated? **If we say** that this means **that** with regard to Peor and Mercury **even** items that are found **inside** the partitions **are** treated **like** those that are found **outside** the partitions **and** they are **permitted,** this is difficult. **Now,** Peor is worshipped by **defecating before it.** Even excrement is offered to Peor. Is it possible that its worshippers **do not sacrifice water and salt to it?** Although water and salt are not generally offered to an idol, in the case of Peor they certainly can be. **Rather,** Rabbi Yosei bar Ḥanina means that with regard to Peor and Mercury **even** items that are found **outside** the partitions **are** treated **like** those that are found **inside**[NH] the partitions, **and** they **are prohibited** even if they are not decorative items.

מתני׳ עֲבוֹדָה זָרָה שֶׁהָיָה לָהּ גִּינָּה אוֹ מֶרְחָץ – נֶהֱנִין מֵהֶן שֶׁלֹּא בְּטוֹבָה, וְאֵין נֶהֱנִין מֵהֶן בְּטוֹבָה; הָיָה שֶׁלָּהּ וְשֶׁל אֲחֵרִים – נֶהֱנִין מֵהֶן בֵּין בְּטוֹבָה וּבֵין שֶׁלֹּא בְּטוֹבָה. עֲבוֹדָה זָרָה שֶׁל נָכְרִי אֲסוּרָה מִיָּד, וְשֶׁל יִשְׂרָאֵל – אֵין אֲסוּרָה עַד שֶׁתִּיעָבֵד.

MISHNA In the case of an object of **idol worship that had a garden**[H] **or a bathhouse,** one **may derive benefit from them when** it is **not to** the **advantage** of the idol worship, i.e., when he does not pay for his use, **but** one **may not derive benefit from them** when it is **to** their **advantage,** i.e., if one is required to pay for his use. If the garden or bathhouse **belonged** jointly **to** the place of idol worship **and to others,**[H] one **may derive benefit from them, both** when it is **to** their **advantage and when** it is **not to** their **advantage. A gentile's** object of **idol worship** is **prohibited immediately,** i.e., as soon as it is fashioned for that purpose, **but a Jew's** object of idol worship is **not prohibited until it is** actually **worshipped.**[H]

NOTES

Within the inner partitions [*kilkalin*] – לִפְנִים מִן הַקִּלְקָלִין: This refers to partitions that delineate the inner area, which is considered the most sacred domain of the idol worship. This area is surrounded by a lesser domain that is also set aside for idol worship. Similarly, Rabbeinu Ḥananel explains that the term refers to the partitions within which the idol is placed. Some commentaries understand the term *kilkalin* as a disparaging substitute term for *kela'im*, the curtains surrounding the courtyard of the Tabernacle (*Talmidei Rabbeinu Yona*).

Even water or salt – אֲפִילּוּ מַיִם וּמֶלַח: Although these are not significant food items and are not brought as offerings, they can have the status of offerings for idol worship as they are used in various aspects of the Temple service. There is an alternative interpretation that is cited in *Talmidei Rabbeinu Yona*, and is apparently the understanding of the Jerusalem Talmud, which holds that salt and water are not considered offerings for idol worship. Rather, they are forbidden because they are utilized in the service of idol worship for various purposes, e.g., for cleaning objects.

Even items found outside the partitions are treated like those found inside – אַפִּילּוּ חוּץ כִּבְפְנִים דָּמֵי: Since Peor and Mercury are typically worshipped in a disrespectful manner, anything sacrificed to them is considered a decorative item (Ra'avad).

LANGUAGE

Partitions [*kilkalin*] – קִלְקָלִין: It would seem that the original form of the word is *kinkalin*, as it appears in the Jerusalem Talmud and the *Arukh*. It is derived from the Greek κιγκλίς, *kinklis*, meaning a latticework; and by extension, any sort of partition serving as an enclosure. The word as it appears in the standard text is understood homiletically, *kilkalin* being a disparaging substitute term for *kela'im*, curtains, by hinting at the word *kilkul*, spoiling. Similarly, the version *kilkalon* is interpreted homiletically as *ki kalon*, shameful vomit.

HALAKHA

Within the inner partitions – לִפְנִים מִן הַקִּלְקָלִין: Anything that is the type of item that is offered in the Temple service and is found before an idol or within its partitions is forbidden. The assumption is that it was brought as an offering for idol worship. This is the *halakha* even with regard to water and salt, despite the fact that they are not items that convey honor. Items that convey honor that are found outside of the partitions are forbidden (Gra, citing Rashi). This is in accordance with the opinion of Rav Asi bar Ḥiyya (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:15–16; *Shulḥan Arukh*, *Yoreh De'a* 139:5).

Even items found outside the partitions are treated like those found inside – אַפִּילּוּ חוּץ כִּבְפְנִים דָּמֵי: Anything that is found in the domain of Peor or Mercury is forbidden, even if it is placed in a denigrating way and is found outside of the partitions. This is in accordance with the opinion of Rabbi Yosei bar Ḥanina (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:15, 16; *Shulḥan Arukh*, *Yoreh De'a* 139:5).

An object of idol worship that had a garden – עֲבוֹדָה זָרָה שֶׁהָיָה לָהּ גִּינָּה: In the case of a garden or bathhouse owned by a place of idolatrous worship, where all benefit from the garden or bathhouse goes to its priests, it is permitted to use them only if one does not provide benefit to the priests (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:17; *Shulḥan Arukh*, *Yoreh De'a* 143:3).

If the garden or bathhouse belonged to the place of idol worship and to others – הָיָה שֶׁלָּהּ וְשֶׁל אֲחֵרִים: The Rambam rules that if a garden or bathhouse is owned jointly by an object of idol worship and by others, one is permitted to use it even if the priests derive benefit from its use, as long as he does not actually give payment. According to the *Kesef Mishne*, the ruling of the Rambam is in accordance with the first version of the statement of Abaye, and that the favor referred to is verbal. The prohibition against showing favor verbally is treated leniently since its prohibition is by rabbinic law.

According to the *Shulḥan Arukh*, when the priests benefit, it is prohibited to use the garden or bathhouse even if the benefit is shared by others who own it in partnership. But if only its other worshippers benefit, then it is permitted to use the garden or bathhouse, even if the garden or bathhouse is not jointly owned. This ruling is in accordance with the latter version of the statement of Abaye, and the benefit referred to is monetary.

Other halakhic authorities hold that if the garden or bathhouse is not actually on the premises of the object of idol worship, it is permitted to derive benefit from it even if its priests receive payment, as long as the object of idol worship itself does not (*Tur*, citing Rabbeinu Tam; Rosh, citing Rabbeinu Ḥananel). The Rema writes that this more lenient opinion may be relied on (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:17; *Shulḥan Arukh*, *Yoreh De'a* 143:3).

A gentile's object of idol worship…but a Jew's object of idol worship is not prohibited until it is worshipped – עֲבוֹדָה זָרָה שֶׁל נָכְרִי…וְשֶׁל יִשְׂרָאֵל אֵין אֲסוּרָה עַד שֶׁתִּיעָבֵד: An object of idol worship is prohibited and one may not derive benefit from it. If it is owned by a gentile it is rendered prohibited as soon as it is fashioned, but if it belongs to a Jew it is rendered prohibited only after it is worshipped. This ruling is in accordance with the mishna and with the statement of Rabbi Akiva, as the *halakha* is in accordance with the opinion of Rabbi Akiva in his disputes with any other individual *tanna* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:4; *Shulḥan Arukh*, *Yoreh De'a* 139:1).

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גמ׳ אָמַר אַבַּיֵי: בְּטוֹבָה – בְּטוֹבַת כּוֹמָרִין, שֶׁלֹּא בְּטוֹבָה – שֶׁלֹּא בְּטוֹבַת כּוֹמָרִין, לְאַפּוּקֵי טוֹבַת עוֹבְדֶיהָ דְּשָׁרֵי.

GEMARA

Abaye says: The case **where** use of the garden or bathhouse is **to** the financial **advantage** of the idol worship is referring to a case where it is **to** the financial **advantage of** the **priests** [***komarin***],[LN] who receive payment for the use of the garden or bathhouse. The case **where** it is **not to** their financial **advantage** is referring to a case **where** it is **not to** the financial **advantage of** the **priests.** This is **to the exclusion of** a situation where using the facility is only to the financial **advantage of** the idol's **worshippers,**[N] in **which** case one is **permitted** to derive benefit from them.

אִיכָּא דְּמַתְנֵי לָהּ אַסֵּיפָא: הָיָה שָׁלָהּ וְשֶׁל אֲחֵרִים – נֶהֱנִין מֵהֶן בְּטוֹבָה וְשֶׁלֹּא בְּטוֹבָה; אָמַר אַבַּיֵי: בְּטוֹבָה – בְּטוֹבַת אֲחֵרִים, שֶׁלֹּא בְּטוֹבָה – שֶׁלֹּא בְּטוֹבַת כּוֹמָרִין.

The Gemara comments: **There are those who teach** Abaye's statement **with regard to the latter clause**[N] of the mishna: If the garden or bathhouse **belonged to** the place of idol worship **and to others,** one **may derive benefit from them** both when it is **to** their **advantage and when** it is **not to** their **advantage. Abaye says:** The term: When it is **to** their **advantage,** is referring to a case where it is **to** the financial **advantage of** the **other** owners, while the term: **When** it is **not to** their **advantage,** is referring to a case **where** it is **not to** the financial **advantage of** the **priests.** But if the use of the place is to the financial advantage of the priests, one may not derive benefit from the place.

מַאן דְּמַתְנֵי אַסֵּיפָא – כָּל שֶׁכֵּן אֲרִישָׁא, וּמַאן דְּמַתְנֵי אֲרִישָׁא, אֲבָל אַסֵּיפָא כֵּיוָן דְּאִיכָּא אֲחֵרִים בַּהֲדָהּ, אֲפִילּוּ בְּטוֹבַת כּוֹמָרִין נַמִּי שַׁפִּיר דָּמֵי.

The Gemara notes: According to the **one who teaches** Abaye's statement **with regard to** the case presented in **the latter clause** of the mishna, where the garden or bathhouse is only partially owned by the place of idol worship, **all the more so** does this statement apply **to** the case presented in **the first clause** of the mishna, where the garden or bathhouse is owned exclusively by the place of idol worship. **But** according to the **one who teaches** Abaye's statement **with regard to** the case presented in **the first clause,** Abaye's statement applies only to that case. **But with regard to** the case presented in **the latter clause, since there are others** who own the place **together with** the place of idol worship, **even** if the use of the garden or bathhouse is **to** the financial **advantage of** the **priests** it is **permitted.**

״עֲבוֹדָה זָרָה שֶׁל נָכְרִי אֲסוּרָה מִיָּד״. מַתְנִיתִין מַנִּי? רַבִּי עֲקִיבָא הִיא; דְּתַנְיָא: ״אַבֵּד תְּאַבְּדוּן אֶת כָּל הַמְּקֹמוֹת אֲשֶׁר עָבְדוּ שָׁם הַגּוֹיִם״ – בְּכֵלִים שֶׁנִּשְׁתַּמְּשׁוּ בָּהֶן לַעֲבוֹדָה זָרָה הַכָּתוּב מְדַבֵּר;

§ The mishna teaches: **A gentile's** object of **idol worship** is **prohibited immediately,** i.e., as soon as it is fashioned for that purpose. The Gemara asks: **Whose** opinion is expressed in **the mishna?** The Gemara answers: **It is** the opinion of **Rabbi Akiva, as it is taught** in a *baraita*: **"You shall destroy all the places, where the nations** that you are to dispossess **served** their gods, upon the high mountains, and upon the hills, and under every leafy tree" (Deuteronomy 12:2). **The verse is speaking of vessels that were used** by the gentiles **for idol worship.**

LANGUAGE

Priests [*komarin*] – כּוֹמָרִין: The Aramaic translation of the Bible uses this word to refer to the priest of idol worship. The derivation of the word is uncertain. Some believe that it is derived from the word *kamar*, black, and that it refers to the black garments worn by various priests.

NOTES

To the advantage of the priests – בְּטוֹבַת כּוֹמָרִין: Rashi understands this to mean that one pays the priests. This is prohibited even though the priests derive personal benefit from the money and do not use the money for idolatrous worship. This appears to be the understanding of the Jerusalem Talmud as well. Other commentaries understand this to mean that one who uses the garden or bathhouse will have to display gratitude to the priests (Rabbeinu Tam; see *Tosafot* on 44b). If one has to be grateful to the priests, it appears that he is deriving benefit from the idol worship. Conversely, if one does not have to be grateful, it is as if he derived benefit from ownerless property. Even if one is required to pay for use of the place, since in any event he would have to pay for that service, he does not appear to benefit from the idolatrous worship (see *Tosefot Rid*). The Ra'avad explains that if he is grateful to the priests this may lead to camaraderie and eventually to his being influenced to become involved in idolatrous worship.

To the advantage of the idol's worshippers – טוֹבַת עוֹבְדֶיהָ: In this case one's use of the garden or bathhouse is not prohibited even though one's use of the place benefits the idol's worshippers since he does not benefit the idol worship itself or its dedicated priests, and because he does not appear to be deriving benefit from the idol. According to those commentaries who explain that the advantage referred to here is the gratitude shown toward the priests, since in this case there is no gratitude toward the idol itself, the use of the place is permitted.

There are those who teach Abaye's statement with regard to the latter clause – אִיכָּא דְּמַתְנֵי לָהּ אַסֵּיפָא: According to this opinion, when the mishna states in the first clause that it is permitted to derive benefit from the garden or bathhouse only if it is not to the advantage of the idol worship, this means that it is not to the advantage of the idol's worshippers. Since the place is owned entirely by the place of idol worship, it is prohibited to use the place even if one's use of the place benefits only the idol's worshippers and not the idol's priests. Conversely, if one's use of the place benefits the idol's priests, it is prohibited to use the place even where the garden or bathhouse is owned in partnership with others (*Tosefot Rid*).

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יָכוֹל עֲשָׂאוּם וְלֹא גְּמָרוּם, גְּמָרוּם וְלֹא הֱבִיאוּם, הֱבִיאוּם וְלֹא נִשְׁתַּמְּשׁוּ בָּהֶן, יָכוֹל יְהוּ אֲסוּרִים? תַּלְמוּד לוֹמַר: ״אֲשֶׁר עָבְדוּ שָׁם הַגּוֹיִם״ – שֶׁאֵין אֲסוּרִין עַד שֶׁיֵּעָבְדוּ; מִכָּאן אָמְרוּ: עֲבוֹדָה זָרָה שֶׁל נָכְרִי אֵינָהּ אֲסוּרָה עַד שֶׁתֵּיעָבֵד, וְשֶׁל יִשְׂרָאֵל – אֲסוּרָה מִיָּד, דִּבְרֵי רַבִּי יִשְׁמָעֵאל.

One **might** have thought that the vessels are prohibited even if the gentiles **fashioned them but did not complete them, completed them but did not bring them** to the idol, or **brought them** to the idol **but did not use them** for idolatrous worship. **Might** one have thought that in these cases the vessels **are prohibited? The verse states: "Where the nations** that you are to dispossess **served** their gods" (Deuteronomy 12:2). This indicates **that** the vessels **are not prohibited until they are** used for **worship.** It is **from here** that the Sages **stated: A gentile's** object of **idol worship is not prohibited until it is worshipped, but a Jew's** object of idol worship **is prohibited immediately.** This is **the statement of Rabbi Yishmael.**

רַבִּי עֲקִיבָא אוֹמֵר, חִילּוּף הַדְּבָרִים: עֲבוֹדָה זָרָה שֶׁל נָכְרִי אֲסוּרָה מִיָּד, וְשֶׁל יִשְׂרָאֵל – עַד שֶׁתֵּיעָבֵד.

Rabbi Akiva says: The matters are reversed. A gentile's object of **idol worship is prohibited immediately, but a Jew's** object of idol worship is not forbidden **until it is worshipped.** The mishna is therefore in accordance with the opinion of Rabbi Akiva.

אָמַר מָר: בִּכְלִים שֶׁנִּשְׁתַּמְּשׁוּ בָּהֶן לַעֲבוֹדָה זָרָה הַכָּתוּב מְדַבֵּר. תָּא ״מְקוֹמוֹת״ כְּתִיב! אִם אֵינוֹ עִנְיָן לִמְקוֹמוֹת, דְּלָא מִיתַּסְרִי, דִּכְתִיב: ״אֱלֹהֵיהֶם עַל הֶהָרִים״ – וְלֹא הֶהָרִים אֱלֹהֵיהֶם,

The Master said above: **The verse is speaking of vessels that were used** by the gentiles **for idol worship.** The Gemara asks: **Isn't it written** "You shall destroy all **the places"** (Deuteronomy 12:2), indicating that the verse is not referring to vessels? The Gemara answers: **If** the *halakha* stated in this verse **is not** applicable for the **matter of places** that were worshipped, it must apply to another matter. The verse cannot apply to the places themselves, **as they are not rendered prohibited, as it is written:** "You shall destroy… **their gods, upon the** high **mountains"** (Deuteronomy 12:2), indicating that one is **not** required to destroy **the mountains** that are themselves **their gods.** Something that is attached to the ground is not rendered forbidden, and therefore even if idol worshippers worshipped the mountain itself it does not need to be destroyed.

Perek **IV**
Daf **52** Amud **a**

תְּנֵהוּ עִנְיָן לִכְלִים. מִכָּאן אָמְרוּ: עֲבוֹדָה זָרָה שֶׁל נָכְרִי אֵינָהּ אֲסוּרָה אֶלָּא עַד שֶׁתֵּיעָבֵד, וְשֶׁל יִשְׂרָאֵל – מִיָּד.

Since the verse does not apply to places that were themselves worshipped, **apply it** to the **matter of vessels** that were used for idol worship. It is **from here** that the Sages **stated: A gentile's** object of **idol worship is not prohibited until it is worshipped, but a Jew's** object of idol worship is forbidden **immediately.**

וְהָא בִּכְלִים אוֹקִימְנָא לָהּ! אָמַר קְרָא: ״אֲשֶׁר אַתֶּם יֹרְשִׁים אֹתָם אֶת אֱלֹהֵיהֶם״, מְקַיֵּשׁ אֱלֹהֵיהֶם לִכְלִים, מַה כֵּלִים עַד שֶׁיֵּעָבְדוּ, אַף אֱלֹהֵיהֶם נַמִּי עַד שֶׁיֵּעָבְדוּ. וְרַבִּי עֲקִיבָא דְּלָא מְקַיֵּשׁ, אָמַר לָךְ: ״אֶת״ הִפְסִיק הָעִנְיָן.

The Gemara questions how the *halakha* with regard to an object of idol worship is derived from this verse. **But didn't we interpret this** verse as being stated **with regard to vessels** used in idolatrous worship, and not to an object of idol worship? The Gemara answers: **The verse states:** "You shall destroy all the places, where the nations **that you are to dispossess** served **their gods"** (Deuteronomy 12:2). The verse **juxtaposes "their gods" to** "the places," i.e., the **vessels** used to serve them. **Just as** the **vessels** are not forbidden **until they are** used for **worship, so too their gods,** the idols, are **also** not forbidden **until they are worshipped. And Rabbi Akiva, who does not** consider the terms **juxtaposed,** he could **say to you** that the word ***"et,"*** written in the verse before the term "their gods," **separates the matter**[N] of their gods from the matter of the vessels.

וְרַבִּי יִשְׁמָעֵאל, אַשְׁכַּחַן עֲבוֹדָה זָרָה שֶׁל נָכְרִי דְּאֵין אֲסוּרָה עַד שֶׁתֵּיעָבֵד, דְּיִשְׂרָאֵל דַּאֲסוּרָה מִיָּד מְנָא לֵיהּ? סְבָרָא הוּא: מִדְּנָכְרִי עַד שֶׁתֵּיעָבֵד, דְּיִשְׂרָאֵל אֲסוּרָה מִיָּד. אֵימָא: דְּיִשְׂרָאֵל כְּלָל וּכְלָל לָא! הָשְׁתָּא גְּנִיזָה בָּעְיָא, אִיתְסוּרֵי לָא מִיתַּסְרָא?

The Gemara asks: **And** as for the opinion of **Rabbi Yishmael, we found** a source for the *halakha* **that a gentile's** object of **idol worship is not prohibited until it is worshipped. From where does he** derive **that a Jew's** object of idol worship is **prohibited immediately?** The Gemara answers: **It is** based on **logical reasoning. From** the fact that **a gentile's** idol is not forbidden **until it is worshipped,** it stands to reason that **a Jew's** idol is **prohibited immediately.** The Gemara asks: Why not **say** that **a Jew's** idol **is not** forbidden **at all?**[N] The Gemara answers: **Now,** the status of a Jew's idol cannot be revoked and the idol **requires interment.** Is it possible that **it does not become prohibited?**

NOTES

The word *et* separates the matter – אֶת הִפְסִיק הָעִנְיָן: The Hebrew word *et* has no semantic value and serves as a grammatical marker connecting a verb to a direct object that has a definite article. In biblical Hebrew, it is occasionally used in place of the preposition: With [*im*].

A Jew's idol is not forbidden at all – דְּיִשְׂרָאֵל כְּלָל וּכְלָל לָא: The reasoning behind this suggestion is that one may assume that a Jew does not truly place his trust in the idol and therefore the idol is not rendered forbidden (Ritva).

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וְאֵימָא: כִּדְנָכְרִי! אָמַר קְרָא: ״וְאֶת חַטַּאתְכֶם אֲשֶׁר עֲשִׂיתֶם אֶת הָעֵגֶל״, מִשְּׁעַת עֲשִׂיָּיה קָם לֵיהּ בְּחֵטְא.

The Gemara challenges: **But** one could **say** that a Jew's idol is forbidden only once it is worshipped, just **as a gentile's** idol is forbidden only once it is worshipped. The Gemara answers: **The verse states: "And I took your sin, the calf that you had made,** and I burned it with fire" (Deuteronomy 9:21), which indicates that **from** the **time of** its **making** its worshippers were **liable for** the **sin.**

אֵימָא: הָנֵי מִילֵּי לְמֵיקָם גַּבְרָא בְּחֵטְא, אִיתְּסוּרֵי לָא מִיתַּסְרָא! אָמַר קְרָא: ״אָרוּר הָאִישׁ אֲשֶׁר יַעֲשֶׂה פֶסֶל וּמַסֵּכָה״, מִשְּׁעַת עֲשִׂיָּיה קָם לֵיהּ בְּ״אָרוּר״.

The Gemara asks: Why not **say** that **this matter** applies only **with regard to** rendering **the man** who made the idol **liable for** the **sin,** but the object of idol worship **does not become prohibited** until it is worshipped? The Gemara answers: **The verse states: "Cursed be the man who shall make a graven or molten image,** an abomination to the Lord, the work of the hands of the craftsman, and shall set it up in a hidden place" (Deuteronomy 27:15), which indicates that **from** the **time of** its **making** the person who made the idol **is liable to be cursed.**

אֵימָא: הָנֵי מִילֵּי לְמֵיקָם גַּבְרָא בְּ״אָרוּר״, אִיתְּסוּרֵי לָא מִיתַּסְרָא! ״תּוֹעֲבַת ה״ כְּתִיב.

The Gemara asks: Why not **say** that **this matter** applies only **with regard to** rendering **the man** who made the idol **liable to be cursed,** but the object of idol worship **does not become prohibited** until it is worshipped? The Gemara answers: **It is written: "An abomination to the Lord"** (Deuteronomy 27:15). This indicates that the idol itself is an abomination and is therefore prohibited from the time that it is made.

וְרַבִּי עֲקִיבָא? דָּבָר הַמֵּבִיא לִידֵי תּוֹעֵבָה.

The Gemara asks: **And** as for **Rabbi Akiva,** who does not maintain that a Jew's idol is forbidden from the time that it is made, how does he interpret this verse? The Gemara answers: Rabbi Akiva explains that the term "an abomination" means **an object that leads to abomination** but itself is not considered an abomination before it is worshipped.

וְרַבִּי עֲקִיבָא, עֲבוֹדָה זָרָה שֶׁל נָכְרִי דְּאָסְרָה מִיָּד, מְנָא לֵיהּ? אָמַר עוּלָּא, אָמַר קְרָא: ״פְּסִילֵי אֱלֹהֵיהֶם תִּשְׂרְפוּן בָּאֵשׁ״, מִשֶּׁפְּסָלוֹ נַעֲשָׂה אֱלוֹהַּ.

The Gemara explains the opinion of Rabbi Akiva: **And** as for the opinion of **Rabbi Akiva, from where does he** derive **that a gentile's** object of **idol worship** is **prohibited immediately? Ulla said: The verse states: "The graven images of their gods you shall burn with fire;** you shall not covet the silver or the gold that is on them and take it for yourself, lest you be snared thereby, for it is an abomination to the Lord your God" (Deuteronomy 7:25). The term "graven images" indicates that **from** the time **that** the gentile **engraves** and carves the stone into an idol **it becomes a god** and is forbidden.

וְאִידָךְ? הַהוּא מִיבָּעֵי לֵיהּ לְכִדְתָנֵי רַב יוֹסֵף, דִּתְנֵי רַב יוֹסֵף: מִנַּיִן לְגוֹי שֶׁפּוֹסֵל אֱלוֹהוּ? שֶׁנֶּאֱמַר: ״פְּסִילֵי אֱלֹהֵיהֶם תִּשְׂרְפוּן בָּאֵשׁ״.

The Gemara asks: **And the other** *tanna*, Rabbi Yishmael, how does he interpret this verse? The Gemara answers: Rabbi Yishmael **requires that** verse **for that which Rav Yosef teaches** in a *baraita*, **as Rav Yosef teaches: From where** is it derived **that a gentile may revoke** [***sheposel***] the status of an object as **his god?** This is derived from a verse, **as it is stated: "The graven images of** [***pesilei***] **their gods you shall burn with fire"** (Deuteronomy 7:25).

וְאִידָךְ? נָפְקָא לֵיהּ מִדִּשְׁמוּאֵל, דִּשְׁמוּאֵל רָמֵי, כְּתִיב: ״לֹא תַחְמֹד כֶּסֶף וְזָהָב עֲלֵיהֶם״, וּכְתִיב: ״וְלָקַחְתָּ לָךְ״, הָא כֵּיצַד? פְּסָלוֹ לֵאלוֹהַּ – ״לֹא תַחְמֹד״, פְּסָלוֹ מֵאֱלוֹהַּ – ״וְלָקַחְתָּ לָךְ״.

The Gemara asks: **And the other** *tanna*, Rabbi Akiva, from where does he derive this *halakha*? The Gemara answers: Rabbi Akiva **derives it from** the interpretation **of Shmuel, as Shmuel raises a contradiction: It is written:** "The graven images of [*pesilei*] their gods you shall burn with fire; **you shall not covet the silver or the gold that is on them"** (Deuteronomy 7:25), **and** in the continuation of the verse **it is written: "And take it for yourself,"** indicating that one is permitted to take the silver and gold. **How** can **these** texts be reconciled? If the gentile **engraved** and carved the stone **as a god,** it is immediately rendered forbidden and the prohibition "**you shall not covet**" applies. If the gentile **revoked** [***pesalo***] the idol's status **as a god,**[N] the continuation of the verse: **"And take it for yourself,"** applies.

NOTES

Engraved and carved the stone as a god…revoked [*pesalo*] **its status as a god – פְּסָלוֹ לֵאלוֹהַּ...פְּסָלוֹ מֵאֱלוֹהַּ:** Shmuel explains that the verse contains a dual meaning. According to the straightforward interpretation of the term, *pesilei* refers to graven images, indicating that the act of engraving and carving the stone renders the idol forbidden. The term is also interpreted homiletically as a term derived from *posel*, revokes, indicating that once the gentile revokes the idol's status as an object of idol worship, it is permitted. The continuation of the verse therefore contains two contrary injunctions, one that refers to a case where the idol is forbidden and one that refers to a case where it is permitted.

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וְרַבִּי עֲקִיבָא, אַשְׁכַּחַן עֲבוֹדָה זָרָה שֶׁל נָכְרִי דַּאֲסוּרָה מִיָּד, דְּיִשְׂרָאֵל עַד שֶׁתֵּעָבֵד מְנָלַן? אֲמַר רַב יְהוּדָה, אָמַר קְרָא: ״וְשָׂם בַּסֵּתֶר״, עַד שֶׁיֵּעָשֶׂה לָהּ דְּבָרִים שֶׁבַּסֵּתֶר.

The Gemara asks: **And** as for the opinion of **Rabbi Akiva, we found** a source for the *halakha* **that a gentile's** object of **idol worship** is **prohibited immediately. From where do we** derive that **a Jew's** object of idol worship is not forbidden **until it is worshipped? Rav Yehuda said** that **the verse states:** "Cursed be the man who shall make a graven or molten image… **and shall set it up in a hidden place"** (Deuteronomy 27:15). This indicates that the idol is not rendered forbidden **until** the idolater **performs** in service of the idol those **matters,** i.e., rites, **that are** performed **in a hidden** place.[N]

וְאִידָךְ? הַהוּא מִיבָּעֵיָא לֵיהּ לְכִדְרַבִּי יִצְחָק, דְּאָמַר רַבִּי יִצְחָק: מִנַּיִן לַעֲבוֹדָה זָרָה שֶׁל יִשְׂרָאֵל שֶׁטְּעוּנָה גְּנִיזָה? שֶׁנֶּאֱמַר: ״וְשָׂם בַּסֵּתֶר״.

The Gemara asks: **And the other** *tanna*, Rabbi Yishmael, how does he interpret this verse? The Gemara answers: Rabbi Yishmael **requires that** verse **for that which Rabbi Yitzḥak** says, **as Rabbi Yitzḥak says: From where** is it derived **that a Jew's** object of **idol worship requires interment?**[N] This is derived from a verse, **as it is stated: "And shall set it up in a hidden place"** (Deuteronomy 27:15), which Rabbi Yitzḥak interprets as requiring one to inter the idol in a hidden place.

וְאִידָךְ? נָפְקָא לֵיהּ מִדְּרַב חִסְדָּא אָמַר רַב, דְּאָמַר רַב חִסְדָּא אָמַר רַב: מִנַּיִן לַעֲבוֹדָה זָרָה שֶׁל יִשְׂרָאֵל שֶׁטְּעוּנָה גְּנִיזָה? שֶׁנֶּאֱמַר: ״לֹא תִטַּע לְךָ אֲשֵׁרָה כָּל עֵץ אֵצֶל מִזְבַּח״, מַה מִּזְבֵּחַ טָעוּן גְּנִיזָה, אַף אֲשֵׁרָה טְעוּנָה גְּנִיזָה.

The Gemara asks: **And the other** *tanna*, Rabbi Akiva, from where does he derive this *halakha*? The Gemara answers: Rabbi Akiva **derives it from** that **which Rav Ḥisda** says that **Rav says, as Rav Ḥisda says** that **Rav says: From where** is it derived **that a Jew's** object of **idol worship requires interment?** This is derived from a verse, **as it is stated: "You shall not plant for yourself an *ashera* of any kind of tree beside the altar** of the Lord your God" (Deuteronomy 16:21). The verse juxtaposes an *ashera*, a tree used as part of idolatrous rites, to the altar. This indicates that **just as** the **altar requires interment,**[N] **so too an *ashera* requires interment.**

וְאִידָךְ? הַהוּא מִיבָּעֵי לֵיהּ לְכִדְרֵישׁ לָקִישׁ, דְּאָמַר רֵישׁ לָקִישׁ: כָּל הַמַּעֲמִיד דַּיָּין שֶׁאֵינוֹ הָגוּן – כְּאִילּוּ נוֹטֵעַ אֲשֵׁרָה בְּיִשְׂרָאֵל, שֶׁנֶּאֱמַר: ״שֹׁפְטִים וְשֹׁטְרִים תִּתֶּן לְךָ בְּכָל שְׁעָרֶיךָ״, וְסָמִיךְ לֵיהּ: ״לֹא תִטַּע לְךָ אֲשֵׁרָה כָּל עֵץ״.

The Gemara asks: **And the other** *tanna*, Rabbi Yishmael, how does he interpret this verse? The Gemara answers: Rabbi Yishmael **requires that** verse **for that which Reish Lakish** says, **as Reish Lakish says: Anyone who appoints** over the community **a judge who is unfit**[H] for the position, due to his lack of knowledge or wickedness, is considered **as though he plants an *ashera* among the Jewish people, as it is stated: "Judges and officers you shall make for yourself in all of your gates"** (Deuteronomy 16:18), **and juxtaposed to it** is the verse: **"You shall not plant for yourself an *ashera* of any kind of tree** beside the altar of the Lord your God" (Deuteronomy 16:21).

אָמַר רַב אַשִׁי: וּבְמָקוֹם תַּלְמִידֵי חֲכָמִים – כְּאִילּוּ נָטָעוֹ אֵצֶל מִזְבֵּחַ, שֶׁנֶּאֱמַר: ״אֵצֶל מִזְבַּח״.

Rav Ashi says: And if one appoints an unsuitable individual as a judge **in a place** where there are **Torah scholars,** it is **as though he planted** an *ashera* **next to** the **altar, as it is stated: "Beside the altar** of the Lord your God."

בָּעֵי רַב הַמְנוּנָא: רִיתֵּךְ כְּלִי לַעֲבוֹדָה זָרָה, מַהוּ? עֲבוֹדָה זָרָה דְּמַאן? אִילֵימָא עֲבוֹדָה זָרָה דְּנָכְרִי – בֵּין לְרַבִּי יִשְׁמָעֵאל וּבֵין לְרַבִּי עֲקִיבָא מְשַׁמְּשֵׁי עֲבוֹדָה זָרָה הֵן, וּמְשַׁמְּשֵׁי עֲבוֹדָה זָרָה אֵין אֲסוּרִין עַד שֶׁיֵּעָבְדוּ! אֶלָּא עֲבוֹדָה זָרָה דְּיִשְׂרָאֵל,

§ **Rav Hamnuna raises a dilemma:** If one **welded** [***ritekh***][L] a broken **vessel for idol worship, what is** the *halakha*? The Gemara asks: With regard to **whose idol worship** does Rav Hamnuna raise the dilemma? **If we say** that Rav Hamnuna is referring to **a gentile's idol worship,** that is difficult, as **both according to Rabbi Yishmael and according to Rabbi Akiva**[N] vessels used in idolatrous worship **are** considered **accessories of idol worship, and accessories of idol worship**[H] **are not prohibited until they are** used for **worship. Rather,** Rav Hamnuna is referring to **a Jews' idol worship.**

אַלִּיבָּא דְּמַאן? אִילֵימָא אַלִּיבָּא דְּרַבִּי עֲקִיבָא, הָשְׁתָּא הֵיא גּוּפָהּ לָא מִיתַּסְרָא עַד שֶׁתֵּעָבֵד, מְשַׁמְּשֶׁיהָ מִיבָּעֵיָא? וְאֶלָּא אַלִּיבָּא דְּרַבִּי יִשְׁמָעֵאל דְּאָמַר, אֲסוּרָה מִיָּד,

The Gemara asks: **In accordance with whose** opinion does Rav Hamnuna raise the dilemma? **If we say** that he raises the dilemma **in accordance with** the opinion **of Rabbi Akiva,** this is difficult. **Now** that the idol **itself is not prohibited until it is worshipped, is** it **necessary** to state that **its accessories** are not forbidden until they are used for idol worship? **Rather,** perhaps Rav Hamnuna raises the dilemma **in accordance with** the opinion **of Rabbi Yishmael, who says** that a Jew's idol is **prohibited immediately.**

NOTES

Matters that are performed in a hidden place – דְּבָרִים שֶׁבַּסֵּתֶר: Rashi explains that idol worship is referred to as a secret activity because a Jew would usually worship clandestinely in order to avoid punishment by the court.

That a Jew's object of idol worship requires interment – לַעֲבוֹדָה זָרָה שֶׁל יִשְׂרָאֵל שֶׁטְּעוּנָה גְּנִיזָה: Rashi understands this to refer to literally burying it whole without destroying it. This is in line with the *halakha* concerning an altar, from which this *halakha* is derived (see *Torat Ḥayyim* and *Haggahot Ya'avetz*). According to this explanation, the essential point is that the object may never be used, as its status cannot be revoked.

Other early commentaries explain that it must be destroyed, by grinding it up and casting it to the wind or throwing it into the Dead Sea (Ra'avad; Rashba). This is equivalent to the requirement for disposing of the idol of a gentile (see 43b). According to this explanation, the term interment is used figuratively here (Ritva).

The altar requires interment – מִזְבֵּחַ טָעוּן גְּנִיזָה: Rashi explains that since it is prohibited to derive benefit from the altar it must be buried so that no one utilizes it. It is certainly prohibited to destroy it (see Deuteronomy 12:4 and Rashi there).

Both according to Rabbi Yishmael and according to Rabbi Akiva – בֵּין לְרַבִּי יִשְׁמָעֵאל וּבֵין לְרַבִּי עֲקִיבָא: Rabbi Akiva and Rabbi Yishmael (51b) disagree only with regard to a gentile's object of idol worship, but with regard to its accessories they agree that they are not rendered forbidden immediately (Rabbeinu Ḥananel; Rashi).

HALAKHA

Anyone who appoints a judge who is unfit – כָּל הַמַּעֲמִיד דַּיָּין שֶׁאֵינוֹ הָגוּן: If one appoints a judge who is not fit, it is as if he made a pillar for idol worship. If he did so in a place where there was the option of appointing a Torah scholar, then it is as if he planted a tree worshipped as part of idolatrous rites. The *Shulḥan Arukh* writes concerning this: Anyone who appoints a judge who is not fit, is not wise in the wisdom of the Torah, and is not worthy to be a judge violates a positive mitzva, even though that judge had many other positive qualities (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 3:8; *Shulḥan Arukh*, *Ḥoshen Mishpat* 8:1).

Accessories of idol worship – מְשַׁמְּשֵׁי עֲבוֹדָה זָרָה: It is clear from the Gemara that accessories of idol worship, whether belonging to a gentile or a Jew, are forbidden only once they are used for idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:4, 5; *Shulḥan Arukh*, *Yoreh De'a* 139:1 and *Be'er HaGola* there).

LANGUAGE

Welded [*ritekh*] – רִיתֵּךְ: Apparently related both to the root *reish*, *tav*, *khaf*, meaning attach, and *reish*, *tav*, *ḥet*, meaning boil, the term refers to connecting two pieces of metal, or sealing a hole in a metal vessel, by means of heat and banging with a hammer. Unlike soldering, where another substance is used to connect the pieces of metal, here the pieces of metal are attached by means of the metal itself.

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מַאי? מְשַׁמְּשִׁין מִמְּשַׁמְּשִׁין גָּמְרִינַן, מַה הָתָם עַד שֶׁיֵּעָבְדוּ – אַף הָכָא עַד שֶׁיֵּעָבְדוּ, אוֹ דִלְמָא מִינָּהּ גָּמַר: מַה הִיא אֲסוּרָה מִיָּד – אַף מְשַׁמְּשֶׁיהָ אֲסוּרִין מִיָּד?

The Gemara suggest an explanation of the dilemma: **What** is the *halakha* with regard to a Jew's accessories of idol worship? Do **we learn** the *halakha* with regard to a Jew's **accessories from** the *halakha* with regard to a gentile's **accessories? Just as there,** in the case of a gentile's accessories of idol worship, they are not forbidden **until they are** used for idol **worship, so too here,** in the case of a Jew's accessories of idol worship, they are not forbidden **until they are** used for idol **worship. Or perhaps** the *halakha* **is learned from** the *halakha* with regard to a Jew's object of idol worship **itself. Just as** the idol **itself is prohibited immediately, so too its accessories are prohibited immediately.**

מַאי אִירְיָא דְּקָא מִיבָּעֵיָא לֵיהּ רִיתּוּךְ כְּלִי? תִּיבָּעֵי לֵיהּ עֲשָׂאָה!

The Gemara rejects this explanation: If that is the explanation of Rav Hamnuna's dilemma, **why does he specifically raise the dilemma** with regard to one who **welded** a broken **vessel? Let him raise the dilemma** with regard to one who **fashioned** a vessel for idolatrous worship.

רַב הַמְנוּנָא מְשׁוּם טוּמְאָה יְשָׁנָה קָמִיבָּעְיָא לֵיהּ, דְּתָנַן: כְּלֵי מַתָּכוֹת – פְּשׁוּטֵיהֶן וּמְקַבְּלֵיהֶן טְמֵאִין, נִשְׁתַּבְּרוּ – טְהוֹרִין, חָזַר וַעֲשָׂאָן כֵּלִים – יַחְזְרוּ לְטוּמְאָה יְשָׁנָה;

The Gemara answers: **Rav Hamnuna** is referring to a vessel that was used for idol worship before it broke, and **he is raising the dilemma with regard to** the matter of **previous ritual impurity. As we learned** in a mishna (*Kelim* 11:1): With regard to **metal vessels,** both **their flat** vessels, which have no repositories, **and their receptacles,** vessels that have repositories, **are** all **impure** if they came into contact with a primary source of ritual impurity. If **they broke, they** thereby **became purified.**[H] But if one **remade** the broken vessels into new **vessels, they reassume their previous impurity.**

וְהָכִי קָמִיבָּעְיָא לֵיהּ: כִּי הָדְרָא טוּמְאָה – הָנֵי מִילֵּי לְטוּמְאָה דְּאוֹרַיְיתָא, אֲבָל טוּמְאָה דְּרַבָּנַן לָא, אוֹ דִלְמָא לָא שְׁנָא? וְתִיבָּעֵי לֵיהּ שְׁאָר טוּמְאוֹת דְּרַבָּנַן!

And this is **the dilemma** that Rav Hamnuna **is raising:**[N] **When** the mishna teaches that a vessel that is remade **reassumes** its **impurity,** does **this matter** apply only **to impurity by Torah law, but** in the case of **impurity by rabbinic law,**[HN] such as the impurity of an object of idol worship, it does **not** apply? **Or perhaps** there **is no difference** between impurity by Torah law and impurity by rabbinic law. The Gemara asks: If that is the explanation of Rav Hamnuna's dilemma, why does he specifically discuss a vessel used for idol worship? **Let him raise the dilemma** with regard to any **other** type of **impurity by rabbinic law.**

חָדָא מִגּוֹ חָדָא קָמִיבָּעְיָא לֵיהּ: טוּמְאָה דְּרַבָּנַן מִי הָדְרָא אוֹ לָא הָדְרָא? וְאִם תֹּאמַר לָא הָדְרָא, טוּמְאָה דַּעֲבוֹדָה זָרָה, מִשּׁוּם חוּמְרָא דַּעֲבוֹדָה זָרָה מִי שָׁוְיוּהָ רַבָּנַן כְּטוּמְאָה דְּאוֹרַיְיתָא, אוֹ לָא? תֵּיקוּ.

The Gemara answers: Rav Hamnuna **is raising** two **dilemmas, one** of which stems **from** the **other. Is impurity by rabbinic law reassumed, or** is it **not reassumed? And if you say** that it is **not reassumed,** what is the *halakha* with regard to the **impurity of** an object of **idol worship? Did the Sages render** its status **like** that of **impurity by Torah law, due to** the **stringency of idol worship, or not?** The Gemara concludes: The dilemmas **shall stand** unresolved.[B]

§ בָּעֵי מִינֵּיהּ רַבִּי יוֹחָנָן מֵרַבִּי יַנַּאי: תִּקְרוֹבֶת עֲבוֹדָה זָרָה שֶׁל אוֹכָלִים, מַהוּ? מִי מְהַנְּיָא לְהוּ בִּיטּוּל לְטַהֲרִינְהוּ מִטּוּמְאָה, אוֹ לָא?

§ **Rabbi Yoḥanan raised a dilemma to Rabbi Yannai:** With regard to **an offering** consisting **of food** brought in **idolatrous worship, what is** the *halakha*?[H] **Is** the **revocation** of their status as an object of idol worship by a gentile **effective to purify them from** the **ritual impurity** of an offering brought in idolatrous worship **or** is it **not** effective?

וְתִיבָּעֵי לֵיהּ כֵּלִים! כֵּלִים לָא קָמִיבָּעְיָא לֵיהּ, כֵּיוָן דְּאִית לְהוּ טָהֳרָה בְּמִקְוֶה טוּמְאָה נַמִי בָּטְלָה, כִּי קָמִיבָּעְיָא לֵיהּ – אוֹכָלִין.

The Gemara suggests: **And let him raise the dilemma** with regard to whether revocation of vessels' status purifies **vessels**[N] used in idol worship from their impurity. The Gemara explains: Rabbi Yoḥanan **does not raise the dilemma** with regard to **vessels, since they have** the ability to attain **purity**[N] by being immersed **in a ritual bath,** and therefore their **impurity** can certainly **also be nullified. When he raises the dilemma,** it is only with regard to **food,** which cannot be purified in a ritual bath.

וְתִיבָּעֵי לֵיהּ עֲבוֹדָה זָרָה גּוּפָהּ! עֲבוֹדָה זָרָה גּוּפָהּ לָא מִיבָּעְיָא לֵיהּ,

The Gemara suggests: **Let him raise the dilemma** with regard to whether revoking its status purifies the object of **idol worship itself** in a case where it consists of food. The Gemara answers: Rabbi Yoḥanan **does not raise the dilemma** with regard to the object of **idol worship itself,**

HALAKHA

If they broke they thereby became purified – נִשְׁתַּבְּרוּ טָהֲרוּ: An impure metal vessel that breaks and is therefore no longer functional loses its status of impurity. The Sages decreed that if the owner then welded it so that it became usable again it reacquires its previous status of impurity (Rambam *Sefer Tahara*, *Hilkhot Kelim* 1:9; 6:1; 12:1).

Impurity by rabbinic law – טוּמְאָה דְּרַבָּנַן: It is uncertain whether or not the decree of previous impurity applies to impurity that is by rabbinic law, such as that of idol worship, as this is an unresolved dilemma in the Gemara. The decree of previous impurity was not instituted in the case of glass vessels, since the entire *halakha* with regard to the impurity of glass vessels is by rabbinic law (Rambam *Sefer Tahara*, *Hilkhot Kelim* 12:9–10).

An offering…brought in idolatrous worship, what is the *halakha* – תִּקְרוֹבֶת עֲבוֹדָה זָרָה...מַהוּ: Offerings of idol worship are impure like an unslaughtered animal carcass, meaning they transfer impurity through physical contact and through carrying. If the offering consists of food, it remains forbidden even if the owner revokes the status of the food. Nevertheless, it is uncertain whether or not it loses its status of impurity under such circumstances. According to the interpretation of the Ra'avad, if he revokes the status of a vessel that was an offering, it becomes pure (*Rambam Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 6:7).

NOTES

And this is the dilemma that Rav Hamnuna is raising – וְהָכִי קָמִיבָּעְיָא לֵיהּ: Rashi explains that this refers to a case where the Jew welded the vessel for the purpose of idol worship. The Rid rejects this explanation because the dilemma is whether the *halakha* with regard to previous ritual impurity applies to the impurity of an object of idol worship. This dilemma does not depend on the purpose for which the vessel was reformed.

Impurity by rabbinic law – טוּמְאָה דְּרַבָּנַן: There are several instances of impurity by rabbinic law, e.g., where the vessels became impure through contact with an impure liquid (Rashi).

And let him raise the dilemma with regard to vessels – וְתִיבָּעֵי לֵיהּ כֵּלִים: Rashi and the Ramban understand this as referring to vessels that are accessories of idol worship. *Tosafot* (52b) and the Ra'avad understand this as referring to vessels that are offerings for idol worship.

Since they have the ability to attain purity – כֵּיוָן דְּאִית לְהוּ טָהֳרָה: Rashi explains that revocation is a substitute for immersion, and it therefore purifies those vessels that are subject to immersion.

BACKGROUND

The dilemmas shall stand unresolved – תֵּיקוּ: Various explanations have been offered with regard to the etymology of this term. One explanation is that the word is an abbreviated version of *teikum*, let it stand. Others explain that it is derived from the word *tik*, a case or pouch, whose contents are unknown. Similarly, the resolution is unknown to us as if it were hidden inside a case (*Arukh*).

Although not the literal meaning, some suggest that the term may be interpreted as an acrostic for the Hebrew phrase: *Tishbi yetaretz kushyot uve'ayot*, or: The Tishbite, i.e., Elijah the prophet, will resolve questions and dilemmas (*Tosafot Yom Tov*). This idea refers to the belief that when Elijah comes to announce the arrival of the Messiah, he will also reveal the solutions to outstanding halakhic difficulties.

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כֵּיוָן דְּאִיסּוּרָהּ בָּטֵיל, טוּמְאָה נַמִי בָּטְלָה. כִּי קָא מִיבָּעֲיָא לֵיהּ – תִּקְרוֹבֶת לַעֲבוֹדָה זָרָה שֶׁל אוֹכָלִין, מַאי? כֵּיוָן דְּאִיסּוּרֵיהּ לָא בָּטֵיל כִּדְרַב גִּידֵּל – טוּמְאָה נַמִי לָא בָּטְלָה, אוֹ דִלְמָא אִיסּוּר דְּאוֹרַיְיתָא לָא בָּטֵיל, טוּמְאָה דְּרַבָּנַן בָּטֵיל? תֵּיקוּ.

as, **since its prohibition is nullified,** its **impurity is also nullified.**[H] **When he raises the dilemma,** it is only with regard to **an offering** consisting **of food** brought **in idolatrous worship. What** is the *halakha*? Does one say that **since its prohibition is not nullified, in accordance with** the statement **of Rav Giddel,** who teaches that the prohibition that takes effect with regard to offerings brought in idolatrous worship is never nullified, therefore the **impurity is also not nullified? Or perhaps** only their **prohibition,** which is **by Torah law, is not nullified,** but their **impurity,** which is **by rabbinic law, is nullified.** The Gemara concludes: The dilemma **shall stand** unresolved.

בְּעָא מִינֵּיהּ רַבִּי יוֹסֵי בֶּן שָׁאוּל מֵרַבִּי: כֵּלִים שֶׁשִּׁימְּשׁוּ בְּהֶן בְּבֵית חוֹנְיוֹ, מַהוּ שֶׁיִּשְׁתַּמְּשׁוּ בָּהֶן בְּבֵית הַמִּקְדָּשׁ?

§ **Rabbi Yosei ben Shaul asked Rabbi** Yehuda HaNasi: With regard to **vessels that were used in the temple of Onias,**[HB] **what is** the *halakha* **with regard to using them in the Temple?**

וְקָא מִיבָּעֲיָא לֵיהּ אַלִּיבָּא דְּמַאן דְּאָמַר: בֵּית חוֹנְיוֹ לָאו בֵּית עֲבוֹדָה זָרָה הִיא; דִּתְנַן: כֹּהֲנִים שֶׁשִּׁימְּשׁוּ בְּבֵית חוֹנְיוֹ לֹא יְשַׁמְּשׁוּ בַּמִּקְדָּשׁ שֶׁבִּירוּשָׁלַיִם, וְאֵינוֹ צָרִיךְ לוֹמַר לְדָבָר אַחֵר;

And he raised this dilemma according to the opinion of **the one who says** that **the temple of Onias was not a temple of idol worship.**[N] **As we learned** in a mishna (*Menaḥot* 109a): **Priests who served in the temple of Onias may not serve in the Temple that is in Jerusalem, and needless to say,** those priests who served in a temple **of something else,** i.e., idol worship, may not serve in the Temple in Jerusalem. This distinction indicates that the temple of Onias was not a temple of idol worship. It was used for the service of God, but it violated the prohibition against sacrificing offerings outside of the Temple in Jerusalem.

כֹּהֲנִים הוּא דְּקָנְסִינְהוּ רַבָּנַן מִשּׁוּם דְּבְנֵי דֵּעָה נִינְהוּ, אֲבָל כֵּלִים לָא, אוֹ דִלְמָא לָא שְׁנָא?

The Gemara explains the dilemma: Does one say that **it is** only the **priests that the Sages penalized** by preventing them from serving in the Temple, **as they possess awareness** and are responsible for their actions, **but** they did **not** institute a similar decree with regard to **vessels,** as they are inanimate? **Or perhaps** there **is no difference,** and the decree also applies to the vessels.

אָמַר לוֹ: אֲסוּרִים הֵן, וּמִקְרָא הָיָה בְּיָדֵינוּ וּשְׁכַחְנוּהוּ.

Rabbi Yehuda HaNasi **said to** Rabbi Yosei ben Shaul: The vessels that were used in the temple of Onias **are prohibited, and we possessed** knowledge of **a verse** from which this *halakha* was derived, **but we forgot** which verse **it** is.

אֵיתִיבֵיהּ: ״כָּל הַכֵּלִים אֲשֶׁר הִזְנִיחַ הַמֶּלֶךְ אָחָז בְּמַלְכוּתוֹ בְּמַעֲלוֹ הֵכַנּוּ וְהִקְדָּשְׁנוּ״, מַאי לָאו ״הֵכַנּוּ״ – דְּאַטְבְּלִינְהוּ, ״הִקְדָּשְׁנוּ״ – דְּאַקְדִּישְׁנַנְהוּ?

Rabbi Yosei ben Shaul **raised an objection to** this ruling from a verse referring to vessels of the Temple that Ahaz had used for idol worship: "**All the vessels, which King Ahaz in his reign did cast away when he acted treacherously, we have prepared and sanctified,** and, behold, they are before the altar of the Lord" (II Chronicles 29:19). **What, is it not** the case that the term "**we have prepared**" means **that we immersed them** in a ritual bath, and the term "**sanctified**" means **that we sanctified them**[N] to be used again in the Temple? This would indicate that the vessels may be used in the Temple even though they were used in idolatrous worship.

HALAKHA

Impurity is also nullified – טוּמְאָה נַמִי בָּטְלָה: If the status of an object of idol worship is revoked, it is no longer prohibited to derive benefit from the object, and it is no longer ritually impure (Rambam *Sefer Tahara, Hilkhot She'ar Avot HaTumot* 6:7).

Temple of Onias – בֵּית חוֹנְיוֹ: Although it is forbidden to establish a temple to serve God outside of the Temple in Jerusalem, it is not considered a temple of idol worship. Nevertheless, a priest who served in such a temple may not ever serve in the Temple in Jerusalem. Similarly, vessels that are used in the service in such a temple may never be used in the Temple in Jerusalem, and they must be interred. This is in accordance with the conclusion of the Gemara (Rambam *Sefer Avoda, Hilkhot Biat HaMikdash* 9:14).

NOTES

According to the one who says the temple of Onias was not a temple of idol worship – אַלִּיבָּא דְּמַאן דְּאָמַר בֵּית חוֹנְיוֹ לָאו בֵּית עֲבוֹדָה זָרָה הִיא: A *baraita* (*Menaḥot* 109b) spells out the dispute between *tanna'im* concerning its founder, Onias, who fled from his fellow priests to Alexandria in Egypt and built an altar there. Rabbi Meir holds that Onias used the altar for idol worship, whereas Rabbi Yehuda holds that he used it to sacrifice to God.

That we immersed them…that we sanctified them – דְּאַטְבְּלִינְהוּ…דְּאַקְדִּישְׁנַנְהוּ: They had to be immersed in a ritual bath because of the impurity of idol worship, and then they needed to be anointed to consecrate them again, as is required before the initial use of service vessels (Rashi).

BACKGROUND

Temple of Onias – בֵּית חוֹנְיוֹ: Onias, a scion of the family of High Priests after the Babylonian exile, built a temple resembling the Temple in Jerusalem in the city Leontopolis in Egypt, around the year 155 BCE. The Gemara (*Menaḥot* 109b) relates that Onias fled to Egypt as a result of a conflict with his brother, but it would appear from Josephus that the matter was also connected with the conflict between the Hellenists and the Hasmonean dynasty.

The structure of Onias's temple resembled that of the Temple, with minor differences, and the priests who served there were descended from Aharon. Although some Sages held that Onias's temple should be viewed as a temple for idol worship, the predominant opinion seems to be that it was established as a temple for the service of God and for the sake of Heaven.

The essential problem with this temple was the fact that the very existence of any temple beside the Temple in Jerusalem constitutes a serious transgression punishable by *karet*. Therefore the priests who served in this temple were rendered unfit for performing the priestly rites in the Temple, like the priests who sacrifice offerings on personal altars.

According to Josephus, Vespasian closed this temple about three years after the destruction of the second Temple. It is possible that it was operational again later in the time of Rabbi Yitzḥak.

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אָמַר לוֹ: בָּרוּךְ אַתָּה לַשָּׁמַיִם שֶׁהֶחֱזַרְתָּ לִי אֲבֵדָתִי, ״הֵכִינוּ״ – שֶׁגְּנָזוּם, ״וְהִקְדַּשְׁנוּ״ – שֶׁהִקְדַּשְׁנוּ אֲחֵרִים תַּחְתֵּיהֶם.

Rabbi Yehuda HaNasi **said to** Rabbi Yosei ben Shaul: **Blessed are you to Heaven, as you have returned my lost** verse **to me.** That verse is the forgotten source of the *halakha* that Rabbi Yehuda HaNasi stated, and it should be interpreted as follows: **"We have prepared"** means **that we interred them; "and sanctified"** means **that we sanctified other** vessels **in their stead,** as the vessels used by Ahaz were forbidden, and the same applies to the vessels from the temple of Onias.

לֵימָא מְסַיַּיע לֵיהּ: מִזְרָחִית צְפוֹנִית – בָּהּ גָּנְזוּ בֵּית חַשְׁמוֹנַאי אֶת אַבְנֵי הַמִּזְבֵּחַ שֶׁשִּׁקְּצוּ אַנְשֵׁי יָוָן; וְאָמַר רַב שֵׁשֶׁת: שֶׁשִּׁקְּצוּ לַעֲבוֹדָה זָרָה?

The Gemara suggests: **Let us say** that the mishna **supports** Rabbi Yehuda HaNasi's opinion (*Middot* 1:6): The **northeast** chamber of the Chamber of the Hearth was the chamber **in which the Hasmoneans sequestered the altar stones that the people of Greece desecrated. And Rav Sheshet says:** This means **that** they **desecrated** the stones by using them **for idol worship.** This indicates that Temple vessels that were used in idolatrous worship can no longer be used and must be sequestered.

אָמַר רַב פַּפָּא: הָתָם קְרָא אַשְׁכַּח וּדְרַשׁ, דִּכְתִיב: ״וּבָאוּ בָהּ פָּרִיצִים וְחִלְּלוּהָ״,

Rav Pappa said: That case of the altar's stones is different, because **there** a Sage **found a verse and interpreted it homiletically,**[N] **as it is written:** "And they shall profane My secret place, **and robbers shall enter into it and profane it"** (Ezekiel 7:22).[N] The verse indicates that when the gentiles entered the Temple and desecrated it, the altar was desacralized and acquired non-sacred status. Consequently, when the stones were subsequently used for idolatrous worship they were rendered forbidden even for non-sacred use.

אָמְרִי: הֵיכִי נַעֲבִיד? נִיתְּבְרִינְהוּ – ״אֲבָנִים שְׁלֵמוֹת״ אָמַר רַחֲמָנָא, נִנְסְרִינְהוּ – ״לֹא תָנִיף עֲלֵיהֶם בַּרְזֶל״ אָמַר רַחֲמָנָא.

The Gemara explains why the altar's stones were sequestered: The Hasmoneans **said: What should we do** to revoke the stone's forbidden status? **Shall we break them?**[N] That is not possible, as **the Merciful One states** in the Torah: "You shall build the altar of the Lord your God of **unhewn stones"** (Deuteronomy 27:6).[H] **Shall we saw them**[N] without breaking them? That is also not a viable option, as **the Merciful One states** in the Torah: **"You shall lift up no iron tool upon them"** (Deuteronomy 27:5).[H] There was therefore no alternative to sequestering the stones.

וְאַמַּאי? לִיתְּבְרִינְהוּ וְלִישְׁקְלִינְהוּ לְנַפְשַׁיְיהוּ! מִי לָא אָמַר רַב אוֹשַׁעְיָא: בִּקְּשׁוּ לִגְנוֹז כָּל כֶּסֶף וְזָהָב שֶׁבָּעוֹלָם מִשּׁוּם כַּסְפָּא וְדַהֲבָא שֶׁל יְרוּשָׁלַיִם; וְהָוֵינַן בָּהּ: יְרוּשָׁלַיִם הָוְיָא רוּבָּא דְּעָלְמָא?

The Gemara asks: **But why** did the Hasmoneans have no alternative? **Let them break** the stones **and take them for themselves. Didn't Rav Oshaya say:** The Sages **wished to sequester all** of the **silver and gold in the world because of** the **silver and gold of Jerusalem,** most of which was consecrated to the Temple treasury and became mixed with other silver and gold. **And we discussed it** and asked: **Is Jerusalem the majority of the world** that all of the silver and gold of the world should be forbidden as perhaps it came from Jerusalem?

HALAKHA

Unhewn stones – אֲבָנִים שְׁלֵמוֹת: A stone that has a flaw significant enough for a fingernail to be caught on it is disqualified for use in the construction of the altar and its ramp. One who uses such a stone in the construction of the altar violates a positive mitzva (Rambam *Sefer Avoda*, *Hilkhot Beit HaBeḥira* 1:14).

You shall lift up no iron tool upon them – לֹא תָנִיף עֲלֵיהֶם בַּרְזֶל: A stone that came in contact with iron, even if it remains whole, is disqualified for use in the construction of the altar and its ramp. One who uses such a stone in the construction of the altar receives lashes (Rambam *Sefer Avoda*, *Hilkhot Beit HaBeḥira* 1:15).

NOTES

Found a verse and interpreted it homiletically – קְרָא אַשְׁכַּח וּדְרַשׁ: The Hasmoneans derived from this verse that the stones were forbidden by Torah law even for non-sacred purposes due to the prohibition against deriving benefit from an object used for idol worship. One therefore cannot learn the *halakha* with regard to the vessels of the Temple of Onias from the incident with the Hasmoneans (Rashi).

And robbers shall enter into it and profane it – וּבָאוּ בָהּ פָּרִיצִים וְחִלְּלוּהָ: Rashi explains that this teaches that the Temple was profaned by virtue of the fact that it was no longer considered consecrated property, but rather the property of the robbers (Ra'avad). Since it is considered theirs, they render it forbidden even for non-sacred use by using it for idol worship. The Ramban explains that it is a Torah edict that only gentiles desacralize consecrated property when they desecrate it, whereas a Jew does not. This *halakha* therefore did not apply to Ahaz, as although he worshipped idols, he was a Jew. Therefore, the vessels were not desacralized, and consequently they could not be rendered forbidden.

Shall we break them – נִיתְּבְרִינְהוּ: This means that they should have a gentile to break the stones and thereby revoke the status of the stones as objects used for idolatrous worship (Rashi).

Shall we saw them – נִנְסְרִינְהוּ: Rashi explains that the Gemara is suggesting that after the gentile breaks the stones, they should be sawed in order to remove their flaws. The Ra'avad explains that the status of the stones could be revoked by sawing them instead of breaking them, as this would not cause flaws in the stone (see Meiri).

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אֶלָּא אֲמַר אַבַּיֵי: בִּקְּשׁוּ לִגְנוֹז דִּינָרָא הַדְרְיָאנָא טוּרְיָינָא שִׁיפָּא, מִפְּנֵי טִבְעָהּ שֶׁל יְרוּשָׁלַיִם, עַד שֶׁמָּצְאוּ לָהּ מְקוֹרָא מִן הַתּוֹרָה שֶׁהוּא מוּתָּר: "וּבָאוּ בָהּ פָּרִיצִים וְחִלְּלוּהָ"!

Rather, Abaye said: The Sages **wished to sequester all** of the **worn-out dinars of Hadrian and Trajan**[NB] **because of the coins of Jerusalem,** as it was known that these coins contained a large quantity of the Temple treasury's gold and silver. They did not permit the use of these coins **until they found a verse in the Torah** indicating **that it is permitted: "And robbers shall enter into it, and profane it"** (Ezekiel 7:22).

הָתָם לָא אִשְׁתַּמְּשׁוּ בְּהוּ לְגָבוֹהַּ. הָכָא כֵּיוָן דְּאִשְׁתַּמַּשׁ בְּהוּ לְגָבוֹהַּ – לָאו אוֹרַח אַרְעָא לְאִשְׁתַּמּוּשֵׁי בְּהוּ הֲדִיוֹטָא.

The Gemara answers: The two cases are not comparable. **There,** the coins of Jerusalem **had not been used in** service of the **Most High;** they were only consecrated. **Here, since** the stones of the altar **had been used in** service of the **Most High,** it is **not proper conduct for an ordinary person to make use of them,** and therefore the Hasmoneans sequestered the stones.

מתני׳ נָכְרִי מְבַטֵּל עֲבוֹדָה זָרָה שֶׁלּוֹ וְשֶׁל חֲבֵירוֹ, וְיִשְׂרָאֵל אֵין מְבַטֵּל עֲבוֹדָה זָרָה שֶׁל נָכְרִי. הַמְבַטֵּל עֲבוֹדָה זָרָה – מְבַטֵּל מְשַׁמְּשֶׁיהָ, בִּיטֵּל מְשַׁמְּשֶׁיהָ – מְשַׁמְּשִׁין מוּתָּרִין וְהִיא אֲסוּרָה.

MISHNA **A gentile can revoke** the status of **his** object of **idol worship**[H] **and** the status of the idol **of another** gentile, **but a Jew cannot revoke** the status of the object of **idol worship**[H] **of a gentile. One who revokes** the status of an object of **idol worship**[H] thereby **revokes** the status of **its accessories.** But if he **revokes** the status of **its accessories,** its **accessories** alone are rendered **permitted, but** the object of idol worship **itself** remains **prohibited.**

גמ׳ מַתְנִי לֵיהּ רַבִּי לְרַבִּי שִׁמְעוֹן בְּרַבִּי: נָכְרִי מְבַטֵּל עֲבוֹדָה זָרָה שֶׁלּוֹ וְשֶׁל חֲבֵירוֹ. אָמַר לוֹ: רַבִּי, שָׁנִיתָ לָנוּ בִּילְדוּתְךָ: נָכְרִי מְבַטֵּל עֲבוֹדָה זָרָה שֶׁלּוֹ וְשֶׁל יִשְׂרָאֵל. דְּיִשְׂרָאֵל מִי קָא מְבַטֵּלָה? וְהָא "וְשָׂם בַּסֵּתֶר" כְּתִיב! אֲמַר רַבִּי הִילֵּל בְּרֵיהּ דְּרַבִּי וְוֹלָס: לָא נִצְרְכָה, שֶׁיֵּשׁ לוֹ בָּהּ שׁוּתָּפוּת.

GEMARA **Rabbi** Yehuda HaNasi **taught Rabbi Shimon, son of Rabbi** Yehuda HaNasi, the following version of the mishna: **A gentile can revoke** the status of **his** object of **idol worship and** the status of the idol **of another** gentile. Rabbi Shimon **said to him: My teacher, in your youth,** i.e., when you were younger, **you taught us** a different version of the mishna: **A gentile can revoke** the status of **his** object of **idol worship and** the status of the object of idol worship **of a Jew.** The Gemara asks: **Can** the status of **a Jew's** idol **be revoked?**[N] **But isn't it written: "And shall set it up in a hidden place"** (Deuteronomy 27:15), from which the Sages derived that a Jew's idol requires interment? **Rabbi Hillel, son of Rabbi Volas, said: No,** this *halakha* is **necessary** in a case **where** the gentile **has partnership in** the idol, and therefore it is possible to say that its status can be revoked.

בִּילְדוּתוֹ מַאי קָסָבַר, וּבְזִקְנוּתוֹ מַאי קָסָבַר? בִּילְדוּתוֹ סָבַר: יִשְׂרָאֵל אַדַּעְתָּא דְּנַפְשֵׁיהּ פָּלַח, כֵּיוָן דְּנָכְרִי מְבַטֵּל דְּנַפְשֵׁיהּ – דְּיִשְׂרָאֵל נַמִי מְבַטְּלָה; וּבְזִקְנוּתוֹ סָבַר: יִשְׂרָאֵל אַדַּעְתָּא דְּנַפְשֵׁיהּ פָּלַח, כִּי מְבַטֵּל נָכְרִי – דְּנַפְשֵׁיהּ, דְּיִשְׂרָאֵל לָא בָּטֵיל.

The Gemara asks: **What did** Rabbi Yehuda HaNasi **hold in his youth, and what did he hold in his old age?** The Gemara answers: **In his youth he held** that the **Jew worships** the idol **based on the intention of** the **gentile.**[N] **Once the gentile revokes** the status of **his** share in the idol, the status of the share **of** the **Jew is also revoked. But in his old age** Rabbi Yehuda HaNasi **held** that the **Jew worships** the idol **based on his own intentions.** Therefore, **when** the **gentile revokes** the status of the object of idol worship, he revokes the status of only **his own** share, but the status of the share **of** the **Jew is not revoked.**

אִיכָּא דְּמַתְנִי לָהּ אַסֵּיפָא: יִשְׂרָאֵל אֵינוֹ מְבַטֵּל עֲבוֹדָה זָרָה שֶׁל נָכְרִי. פְּשִׁיטָא! אֲמַר רַבִּי הִילֵּל בְּרֵיהּ

There are those who teach Rabbi Hillel's statement **with regard to the latter clause** of the mishna: **A Jew cannot revoke** the status of the object of **idol worship of a gentile.** The Gemara asks: Isn't that **obvious? Said Rabbi Hillel, son**

NOTES

Worn-out dinars of Hadrian [*Hadriyana*] and Trajan [*Turiyana*] – דִּינָרָא הַדְרְיָאנָא טוּרְיָינָא שִׁיפָּא: Rashi explains that this refers to very old coins of the Caesars Hadrian and Trajan that were minted in Jerusalem (see *Bekhorot* 50a). *Tosafot*, citing Rabbeinu Tam, rejects this interpretation, as elsewhere the Gemara states that the coins of Jerusalem depicted David and Solomon. Therefore, he suggests that this refers to a certain coin that was round [*hadriyana*] and large [*turiyana*]. The Ra'avad explains that these were large and valuable coins. When the treasurers of the Temple received large amounts of small change, they would exchange the smaller coins for these large-denomination coins. Consequently, many of these coins were in the possession of the Temple treasury.

Can a Jew's idol be revoked – דְּיִשְׂרָאֵל מִי קָא מְבַטְּלָה: This is a Torah edict, derived from the verse: "And shall set it up in a hidden place" (Deuteronomy 27:15), from which the Sages derived that a Jew's object of idol worship requires interment and may not be used for any purpose.

The Jew worships the idol based on the intention of the gentile – דְּיִשְׂרָאֵל אַדַּעְתָּא דְּנָכְרִי פָּלַח: Were it not for the gentile's influence, the Jew would not have believed in the idol or accepted it as a deity. Therefore, when the gentile revokes its status, the foundation of the Jew's belief in it is eliminated and its status as an object of idol worship is revoked, without requiring the Jew to revoke it himself.

BACKGROUND

Hadrian and Trajan – הַדְרְיָאנָא טוּרְיָינָא: This apparently refers to coins minted by the Caesars Hadrian, who ruled during the years 117–138 CE, and Trajan, who ruled before him during the years 98–117 CE.

The coin from the days of Hadrian pictured here was minted in Aelia Capitolina, the city established by Hadrian on the ruins of Jerusalem. It is therefore reasonable to assume that these coins were made of the gold and silver of Jerusalem.

Coin from the days of Hadrian

Coin from the days of Trajan

HALAKHA

A gentile can revoke his object of idol worship, etc. – נָכְרִי מְבַטֵּל עֲבוֹדָה זָרָה שֶׁלּוֹ וכו׳: A gentile can revoke the status of an object of idol worship, whether it is his own or another's. This is the *halakha* even if he does not worship this particular object of idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 146:5).

But a Jew cannot revoke idol worship – וְיִשְׂרָאֵל אֵין מְבַטֵּל עֲבוֹדָה זָרָה: A Jew cannot revoke the status of the object of idol worship of a gentile, and all the more so he cannot revoke the status of an idol of another Jew. This is in accordance with the mishna (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 146:1).

One who revokes an object of idol worship – הַמְבַטֵּל עֲבוֹדָה זָרָה: If the status of an object of idol worship was revoked, the status of its accessories are thereby revoked as well. This is the *halakha* even when they are already in the possession of a Jew (Rema). If the status of the accessories was revoked, the status of the object of idol worship is not revoked as a result. This is in accordance with the mishna (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 146:13).

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דְּרַבִּי וּולָּס: לֹא נִצְרְכָה, שֶׁיֵּשׁ לוֹ בָּהּ שׁוּתָּפוּת, וְקָא מַשְׁמַע לָן: יִשְׂרָאֵל הוּא דְּלָא מְבַטֵּל דְּנָכְרִי, אֲבָל נָכְרִי דְּנַפְשֵׁיהּ מְבַטֵּל.

of Rabbi Volas: No, this *halakha* is **necessary** in a case **where** the gentile **has partnership in** the idol, **and** it **teaches us** that **it is** only **a Jew who cannot revoke** the status of **a gentile's** object of idol worship. **But a gentile** can **revoke** the status of **his own** object of idol worship.

אִיכָּא דְּמַתְנֵי לָהּ אַבָּרַיְיתָא, רַבִּי שִׁמְעוֹן בֶּן מְנַסְיָא אוֹמֵר: עֲבוֹדָה זָרָה שֶׁל יִשְׂרָאֵל אֵין לָהּ בְּטֵילָה עוֹלָמִית. מַאי ״עוֹלָמִית״? אָמַר רַבִּי הִילֵּל בְּרֵיהּ דְּרַבִּי וּולָּס: לֹא נִצְרְכָה, אֶלָּא שֶׁיֵּשׁ לוֹ לַגּוֹי בָּהּ שׁוּתָּפוּת, וְקָא מַשְׁמַע לָן, דְּיִשְׂרָאֵל אַדַּעְתָּא דְּנַפְשֵׁיהּ פָּלַח.

There are those who teach Rabbi Hillel's statement **with regard to a *baraita*: Rabbi Shimon ben Menasya says:** The status of **a Jew's** object of **idol worship**[H] **can never be revoked. What** is the reason for the additional emphasis of the term **never? Rabbi Hillel, son of Rabbi Volas, says:** The emphasis **is necessary only** for a case **where the gentile has partnership in** the idol, **and** it **teaches us that** the **Jew worships** the idol **based on his own intentions,** and therefore although the gentile revokes the status of his share, the Jew's share remains forbidden.

מתני׳ כֵּיצַד מְבַטְּלָהּ? קָטַע רֹאשׁ אָזְנָהּ, רֹאשׁ חוֹטְמָהּ, רֹאשׁ אֶצְבָּעָהּ. פְּחָסָהּ אַף עַל פִּי שֶׁלֹּא חִיסְּרָהּ – בִּיטְּלָהּ; רָק בְּפָנֶיהָ, הִשְׁתִּין בְּפָנֶיהָ, גֵּרְרָהּ, זָרַק בָּהּ אֶת הַצּוֹאָה – הֲרֵי זוֹ אֵינָהּ בְּטֵילָה. מְכָרָהּ אוֹ מִשְׁכְּנָהּ – רַבִּי אוֹמֵר: בִּיטֵּל, וַחֲכָמִים אוֹמְרִים: לֹא בִיטֵּל.

MISHNA **How does** a gentile **revoke** the status of an object of idol worship?[H] If **he cut off the tip of its ear,** or **the tip of its nose,**[B] or **its fingertip;** or if **he crushed it, even though he did not remove** any **part of it,** in all these cases he thereby **revoked** its status as an object of idol worship. If he **spat before** the idol,[H] **urinated before it, dragged it** on the ground, or **threw excrement at it,** the status of **this** idol **is not revoked,** as this is only a temporary display of scorn, and afterward the gentile might continue to worship the idol. If the gentile **sold it or mortgaged it,**[H] **Rabbi** Yehuda HaNasi **says:** He thereby **revoked** its status. **And the Rabbis say** that he **did not revoke** its status.

גמ׳ כִּי לֹא חִיסְּרָהּ בְּמַאי בִּיטְּלָהּ? אָמַר רַב זֵירָא: שֶׁפְּחָסָהּ בְּפָנֶיהָ.

GEMARA The mishna teaches that if the gentile crushed the idol without removing any part of it, the status of the idol is revoked. The Gemara asks: In a case **where he did not remove** any **part of it, by what** action **did he revoke** its status? **Rav Zeira says:** The mishna is referring to a case **where he crushed its face** with a hammer, destroying its form, even though none of its stone was removed.

״רָק בְּפָנֶיהָ, וְהִשְׁתִּין בְּפָנֶיהָ״. מְנָהָנֵי מִילֵּי?

§ The mishna teaches: If he **spat before** the idol **or urinated before it,** the status of this idol is not revoked, as this is only a temporary display of scorn. The Gemara asks: **From where are these matters** derived?

אָמַר חִזְקִיָּה, דְּאָמַר קְרָא: ״וְהָיָה כִּי יִרְעַב וְהִתְקַצַּף וְקִלַּל בְּמַלְכּוֹ וּבֵאלֹהָיו וּפָנָה לְמָעְלָה״, וּכְתִיב בַּתְרֵיהּ: ״וְאֶל אֶרֶץ יַבִּיט וְהִנֵּה צָרָה וַחֲשֵׁכָה״ וגו׳, דְּאַף עַל גַּב דְּקִלֵּל מַלְכּוֹ וֵאלָהָיו וּפָנָה לְמַעְלָה – ״אֶל אֶרֶץ יַבִּיט״.

Ḥizkiyya says: This is derived from a verse, **as the verse states: "And it shall come to pass that, when he shall be hungry, he shall fret, and curse his king and his god, and turn his face upward"** (Isaiah 8:21). **And it is written after** this verse: **"And he shall look to the earth, and behold distress and darkness,** the gloom of anguish, and outspread thick darkness" (Isaiah 8:22). This indicates **that even though he cursed his king and his** idolatrous **god, and** he **turned his face upward** to God, nevertheless, **he** subsequently **looks to the earth** and beholds distress and darkness, since he returns to his idol worship.

BACKGROUND

The tip of its nose – רֹאשׁ חוֹטְמָהּ:

Defaced Roman statue of Apollo

HALAKHA

A Jew's object of idol worship – עֲבוֹדָה זָרָה שֶׁל יִשְׂרָאֵל: The status of an object of idol worship of a Jew can never be revoked. Even if a gentile has partnership in it and revokes the status of his share, it does not affect the Jew's share. This is in accordance with the statement of Rabbi Hillel, son of Rabbi Volas (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 146:1).

How does a gentile revoke it – כֵּיצַד מְבַטְּלָהּ: A gentile revokes the status of his object of idol worship by cutting off the tip of its nose, ear, or finger, or even by crushing its face, despite the fact that no part of it was removed. This is in accordance with the mishna, as explained by Rav Zeira (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:10; *Shulḥan Arukh*, *Yoreh De'a* 146:7).

Spat before the idol – רָק בְּפָנֶיהָ: If the gentile spat or urinated in the presence of the object of idol worship, or if he threw excrement at it, its status is not revoked. This is in accordance with the mishna. The Rema writes that a gentile can even revoke the status of his idol worship verbally, as long as he does so willingly (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:10; *Shulḥan Arukh*, *Yoreh De'a* 146:7).

Sold it or mortgaged it – מְכָרָהּ אוֹ מִשְׁכְּנָהּ: If a gentile sold or mortgaged an object of idol worship to another gentile, or if he mortgaged it to a Jew who is not a smith, its status is not revoked. The Rambam holds that if he sold it to a Jewish smith, its status is revoked. This is in accordance with the opinion of the Rabbis according to the first explanation in the Gemara. The *Shulḥan Arukh* holds that even if the gentile sold it to a Jewish smith its status is not revoked. This is in accordance with the opinion of the Rabbis according to the more stringent explanation in the Gemara (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:10; *Shulḥan Arukh*, *Yoreh De'a* 146:8).

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"מְכָרָהּ אוֹ מְשְׁכְּנָהּ, רַבִּי אוֹמֵר: בִּיטֵּל" וכו'. זְעֵירִי אָמַר רַבִּי יוֹחָנָן, וְרַבִּי יִרְמְיָה בַּר אַבָּא אָמַר רַב, חַד אָמַר: מַחֲלוֹקֶת – בְּצוֹרֵף גּוֹי, אֲבָל בְּצוֹרֵף יִשְׂרָאֵל – דִּבְרֵי הַכֹּל בִּיטֵּל; וְחַד אָמַר: בְּצוֹרֵף יִשְׂרָאֵל מַחֲלוֹקֶת.

§ The mishna teaches: If the gentile **sold it or mortgaged it, Rabbi** Yehuda HaNasi **says:** He thereby **revoked** its status. And the Rabbis say that he did not revoke its status. The Gemara cites a dispute between that which **Ze'eiri** says that **Rabbi Yoḥanan says, and** that which **Rabbi Yirmeya bar Abba** says that **Rav says. One says:** The **dispute** between Rabbi Yehuda HaNasi and the Rabbis applies only **when** the gentile sold his idol to **a gentile smith.**[N] **But when** he sold it to **a Jewish smith**[N] **everyone agrees** that by selling the idol the gentile **revoked** its status, as he knows that the Jewish smith will certainly melt it down. **And one says:** The **dispute** applies **to** the case where he sold the idol to **a Jewish smith.**

אִיבַּעְיָא לְהוּ: בְּצוֹרֵף יִשְׂרָאֵל מַחֲלוֹקֶת, אֲבָל צוֹרֵף גּוֹי דִּבְרֵי הַכֹּל לֹא בִּיטֵּל, אוֹ דִלְמָא בֵּין בָּזֶה וּבֵין בָּזֶה מַחֲלוֹקֶת!

A dilemma was raised before the Sages: According to the second opinion, does the **dispute** apply only **to** the case where he sold the idol to **a Jewish smith; but** if he sold it to **a gentile smith everyone agrees** that he **did not revoke** its status by selling it? **Or perhaps both in this** case **and in that** case there is **a dispute.**

תָּא שְׁמַע, דְּאָמַר רַבִּי: נִרְאִין דְּבָרַיי כְּשֶׁמְּכָרָהּ לְחַבָּלָה, וְדִבְרֵי חֲבֵירַיי כְּשֶׁמְּכָרָהּ לְעוֹבְדָהּ;

The Gemara replies: **Come** and **hear** a *baraita*, **as Rabbi** Yehuda HaNasi **said: My statement** that by selling the idol the gentile revokes its status **appears** correct in a case **where he sold it for** the purpose of **destruction, and the statement of my colleagues** that its status is not revoked appears correct in a case **where he sold it for** the purpose of **worship.**

מַאי "לְחַבָּלָה" וּמַאי "לְעוֹבְדָהּ"? אִילֵימָא "לְחַבָּלָה" – לְחַבָּלָה מַמָּשׁ, "לְעוֹבְדָהּ" – לְעוֹבְדָהּ מַמָּשׁ, מַאי טַעְמָא דְּמַאן דְּאָמַר: בִּיטֵּל, וּמַאי טַעְמָא דְּמַאן דְּאָמַר לֹא בִּיטֵּל?

The Gemara explains the *baraita*: **What** is the meaning of selling the idol **for destruction, and what** is the meaning of selling it **for worship? If we say** that selling it **for destruction** means **literally** that he knew that it was being bought **for** the purpose of **destruction,** and that selling it **for worship** means **literally** that it was bought **for** the purpose of **worship,** this is difficult. **What is the reasoning of the one who says** that the gentile **revoked** the idol's status even though he knew that the buyer intended to worship it, **and what is the reasoning of the one who says** that he **did not revoke** its status even though he knew that the buyer intended to destroy it?

אֶלָּא לָאו "לְחַבָּלָה" – לְמִי שֶׁעָתִיד לְחַבְּלָהּ, וּמַנּוּ? צוֹרֵף יִשְׂרָאֵל, "לְעוֹבְדָהּ" – לְמִי שֶׁעָתִיד לְעוֹבְדָהּ, וּמַנּוּ? צוֹרֵף גּוֹי; וּשְׁמַע מִינָּהּ: בֵּין בָּזֶה וּבֵין בָּזֶה מַחֲלוֹקֶת!

Rather, is it not referring to a case where the buyer's intentions were not known with certainty? And accordingly, selling the idol **for destruction** means selling it **to one who will** presumably **destroy it in the future. And who is that** buyer? This is referring to **a Jewish smith.** Similarly, selling the idol **for worship** means selling it **to one who will** presumably **worship it in the future. And who is that** buyer? This is referring to **a gentile smith.** Since Rabbi Yehuda HaNasi states that his opinion appears correct in the case of a Jewish smith and the opinion of his colleagues appears correct in the case of a gentile smith, one **may conclude from** the *baraita* that there is **a dispute both in this** case **and in that** case.

לָא, הָכִי קָאָמַר, אָמַר רַבִּי: נִרְאִין דְּבָרַיי לַחֲבֵירַיי כְּשֶׁמְּכָרָהּ לְחַבָּלָה, וּמַנּוּ? צוֹרֵף יִשְׂרָאֵל, שֶׁאַף חֲבֵירַיי לֹא נֶחְלְקוּ עָלַי אֶלָּא כְּשֶׁמְּכָרָהּ לְעוֹבְדָהּ, אֲבָל לְחַבָּלָה – מוֹדוּ לִי.

The Gemara rejects this suggestion: **No, this** is what the *baraita* **is saying: Rabbi** Yehuda HaNasi **said: My statement** that the idol's status is revoked **appears to my colleagues** correct in a case **where he sold it for** the purpose of **destruction. And who is it** who buys the idol with the intent of destroying it? This is referring to **a Jewish smith.** This is **because even my colleagues disagreed with me only** in a case **where he sold it for** the purpose of **worship; but** when he sold it to a Jewish smith **for** the purpose of **destruction, they concede to my** opinion.[N]

מֵיתִיבִי: הַלּוֹקֵחַ גְּרוּטָאוֹת מִן הַגּוֹיִם וּמָצָא בָּהֶן עֲבוֹדָה זָרָה, אִם עַד שֶׁלֹּא נָתַן מָעוֹת מָשָׁךְ – יַחֲזִיר, אִם מִשֶּׁנָּתַן מָעוֹת מָשָׁךְ – יוֹלִיךְ לְיַם הַמֶּלַח;

The Gemara **raises an objection** from a *baraita*: With regard to **one who buys broken vessels** made from gold or silver **from the gentiles**[H] **and finds among them** an object of **idol worship, if he pulled** the object of idol worship, thereby performing an act of acquisition, **before he gave** the **money**[N] to the gentile, **he may return** the object of idol worship to the gentile. But **if he pulled** it **after he gave** the **money** to the gentile he may not return it. Since the idol's status was not revoked, he must **take** it and cast it **into the Dead Sea.**

NOTES

The dispute applies when the gentile sold his idol to a gentile smith – מַחֲלוֹקֶת בְּצוֹרֵף גּוֹי: The gentile smith subsequently sold the idol to a Jew who was not a smith. Since he is not a smith, the sale does not constitute an implicit revocation of the idol's status, and since the buyer is a Jew, he is unable to revoke the status of the object of idol worship himself (Ra'avad). Rabbi Yehuda HaNasi holds that since the first gentile sold the idol to a smith he assumed that it would be destroyed, and the sale is therefore an implicit revocation. Conversely, the Rabbis hold that since the seller knows that the smith is also an idol worshipper, he does not assume that the smith will destroy it, and there is no implicit revocation.

When he sold it to a Jewish smith – בְּצוֹרֵף יִשְׂרָאֵל: According to Rashi and *Tosafot*, this *halakha* applies even if the Jew is not a smith, as in any case the assumption is that the Jew does not plan on worshipping it and will melt it down and use the metal. The Gemara refers to a Jewish smith for the sake of a contrast with a gentile smith, where it is specifically referring to a smith (*Tosafot*). By contrast, the Ra'avad and the Ramban hold that it is specifically referring to a Jewish smith, in which case the assumption is that he intends to melt it down and utilize the metal. If the Jewish buyer was not a smith, the gentile assumes that he will then sell it to a gentile who would worship it.

They concede to my opinion – מוֹדוּ לִי: Rabbi Yehuda HaNasi was not saying that the opinion of his colleagues appears to him correct in the case where the idol was sold for the purpose of worship. Rather, he was stating that his colleagues stated their opinion only with regard to that case, whereas in the case where the idol was sold for destruction, they agreed with Rabbi Yehuda HaNasi.

Before he gave the money – עַד שֶׁלֹּא נָתַן מָעוֹת: Rashi explains that the Jew can withdraw from the sale as it is a mistaken transaction, since he had no intention of buying an object of idol worship. Even in the case where he already paid the money, he should have been able to return the idol and to receive a refund. The Sages prohibited this because of the appearance of prohibition, as it appears as though the Jew is selling an object of idol worship and deriving benefit from its sale (see 71b).

HALAKHA

One who buys broken vessels from the gentiles – הַלּוֹקֵחַ גְּרוּטָאוֹת מִן הַגּוֹיִם: If a Jew bought fragments from gentiles and discovered an object of idol worship among them; if he only paid for the shards or only pulled them, he may return it to the gentiles. If he both paid for the shards and pulled them, he must cast the idol into the Dead Sea. This is in accordance with the ruling of the *baraita* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:5; *Shulḥan Arukh*, *Yoreh De'a* 146:3).

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אִי אָמְרַתְּ בְּשִׁלָּמָא בְּצוֹרֵף יִשְׂרָאֵל מַחֲלוֹקֶת, הָא מַנִּי? רַבָּנַן הִיא, אֶלָּא אִי אָמְרַתְּ בְּצוֹרֵף גּוֹי מַחֲלוֹקֶת, אֲבָל בְּצוֹרֵף יִשְׂרָאֵל דִּבְרֵי הַכֹּל בִּיטֵּל, הָא מַנִּי?

The Gemara explains the objection: **Granted, if you say** that **in** the case of a gentile who sells an object of idol worship to **a Jewish smith** there is **a dispute** between Rabbi Yehuda HaNasi and the Rabbis, the *baraita* is not difficult. In accordance with **whose** opinion **is this** *baraita*? **It is** in accordance with the opinion of **the Rabbis,** who hold that when a gentile sells an idol to a Jewish smith he does not thereby revoke its status. **But if you say** that the **dispute** between Rabbi Yehuda HaNasi and the Rabbis applies only **when** the idol is sold to **a gentile smith, but in** the case of **a Jewish smith everyone agrees** that the gentile **revoked** the idol's status, then in accordance with **whose** opinion **is this** *baraita*?

שָׁאנֵי הָתָם, דְּאַדַּעְתָּא דִּגְרוּטָאוֹת זַבִּין, אַדַּעְתָּא דַּעֲבוֹדָה זָרָה לָא זַבִּין.

The Gemara answers: It **is different there, as** the gentile **sold** the metal **with the understanding that** he was selling **broken vessels,**[N] and **he did not sell** the metal **with the understanding that** he was selling an object of **idol worship.** He therefore had no intention of revoking its status.

תָּנוּ רַבָּנַן: לָוָה עָלֶיהָ, אוֹ שֶׁנִּפְּלָה עָלֶיהָ מַפּוֹלֶת, אוֹ שֶׁגְּנָבוּהָ לִיסְטִין, אוֹ שֶׁהִנִּיחוּהָ הַבְּעָלִים וְהָלְכוּ לִמְדִינַת הַיָּם,

§ **The Sages taught:** If a gentile **borrowed** money **against** an object of idol worship,[N] using it as collateral, **or** with regard to another case **where a rockslide fell on it,**[NH] **or** a case **where robbers stole it,**[N] **or** a case **where the owners abandoned it and went overseas,** the following *halakha* applies:

HALAKHA

A rockslide fell on it – נִפְּלָה עָלֶיהָ מַפּוֹלֶת: If a rockslide fell on an object of idol worship and its worshippers did not excavate it, or if robbers stole it and its worshippers did not attempt to recover it, they do not thereby revoke its status. This is in accordance with the ruling of the *baraita* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:10; *Shulḥan Arukh*, *Yoreh De'a* 146:9).

NOTES

As the gentile sold it with the understanding that he was selling broken vessels – דְּאַדַּעְתָּא דִּגְרוּטָאוֹת זַבִּין: The underlying assumption of the Gemara's question was that the gentile knowingly sold the object of idol worship to the Jew, and therefore this *baraita* is relevant to the discussion. The Gemara answers by clarifying that the seller, as well as the buyer, did not realize that the sale included an object of idol worship.

Borrowed money against an object of idol worship – לָוָה עָלֶיהָ: This *baraita*, like the mishna, is referring to a case where the gentile gave the idol as collateral. The mishna is referring to a case where the gentile did not redeem his idol when he was required to repay the loan. For this reason, Rabbi Yehuda HaNasi holds that not repaying the loan, thereby causing the idol to be owned by the Jew, is an act of revocation. By contrast, the *baraita* is referring to the giving of an idol as collateral in the first place, which is not considered revocation (Rashba, citing Ramban).

Where a rockslide fell on it – שֶׁנִּפְּלָה עָלֶיהָ מַפּוֹלֶת: The fact that the gentile did not clear the rockslide immediately could be viewed as showing indifference toward the idol. Although the rockslide itself does not revoke the idol's status, the gentile's response to the event might be considered an implicit revocation (Rashi).

Where robbers stole it – שֶׁגְּנָבוּהָ לִיסְטִין: If the owners did not exert any effort to recover the idol one could conclude that they were indifferent to it, and this could constitute an implicit revocation.

Perek **IV**
Daf **53** Amud **b**

אִם עֲתִידִין לַחֲזוֹר כִּמְלְחֶמֶת יְהוֹשֻׁעַ – אֵינָהּ בְּטֵילָה.

In any of these cases, **if** the owners **will return in the future, as** was the case in the **war of Joshua** when he conquered Eretz Yisrael, then the status of the object of idol worship **is not revoked.**

וּצְרִיכָא, דְּאִי תְּנָא לָוָה עָלֶיהָ – מִדְּלָא זַבְנָהּ לָא בְּטֵלָה, אֲבָל נָפְלָה עָלֶיהָ מַפּוֹלֶת, מִדְּלָא קָא מְפַנֵּי לָהּ – אֵימָא בַּטּוּלֵי בְּטֵלָה, צְרִיכָא;

The Gemara comments: **And** it is **necessary** for the *baraita* to state all of these cases. **As, had** the *baraita* **taught** only the case where the gentile **borrowed** money **against** the object of idol worship, one would say that in that case the gentile **did not revoke** its status, **as he did not sell it,** and he did not indicate that he intended to relinquish it. **But** in the case where **a rockslide fell on it, since he did not clear** the rocks, **say** that **he revoked** the status of the object of idol worship. It is therefore **necessary** to teach this case as well.

וְאִי תְּנָא נָפְלָה עָלֶיהָ מַפּוֹלֶת, מְשׁוּם דְּסָבַר: הָא מַנַּחַת, כָּל אֵימַת דְּבָעֵינָא לָהּ שָׁקֵילְנָא לָהּ, אֲבָל גְּנָבוּהָ לִיסְטִים, מִדְּלָא קָא מְהַדַּר אַבַּתְרָהּ בַּטּוּלֵי בְּטֵלָה, צְרִיכָא;

And had the *baraita* **taught** only the case where **a rockslide fell on** the idol, one would say that in that case its status is not revoked **because** the owner **thinks** to himself: The idol **lies** under the rocks safely; **whenever I want it, I shall take it,** and he feels no need to clear the rockslide immediately. **But** in the case where **robbers stole it, since he is not searching after it,** this indicates that **he revoked** its status. It is therefore **necessary** to teach this case as well.

וְאִי תְּנָא גְּנָבוּהָ לִיסְטִין, מְשׁוּם דְּסָבַר: אִי גּוֹי שָׁקֵיל לָהּ – מְפַלַּח פָּלַח לָהּ, אִי יִשְׂרָאֵל שָׁקֵיל לָהּ – אַיְידֵי דְּדָמְיָא יְקָרִין מְזַבֵּין לָהּ לְגּוֹי וּפָלַח לָהּ, אֲבָל הִנִּיחוּהָ הַבְּעָלִים וְהָלְכוּ לִמְדִינַת הַיָּם, מִדְּלָא שָׁקְלוּ בַּהֲדַיְיהוּ בַּטּוּלֵי בַּטְּלוּהָ, צְרִיכָא.

And had the *baraita* **taught** only the case where **robbers stole** the idol, one would say that in that case its status is not revoked **because** the owner **thinks** to himself: **If a gentile took it, he will worship it. If a Jew took it, since it is of great monetary** value, **he will sell it to a gentile and** the buyer **will worship it.** There is therefore no indication that the gentile intends to revoke its status. **But** in the case where **the owners abandoned** the idol **and went overseas, since they did not take it with them,** this indicates that **they revoked** its status. It is therefore **necessary** to teach this case as well.

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אִם עֲתִידִין לַחֲזוֹר כִּמְלְחֶמֶת יְהוֹשֻׁעַ – אֵינָהּ בְּטֵילָה. מִידֵּי מִלְחֶמֶת יְהוֹשֻׁעַ מִיהַדַּר הַדּוּר? הָכִי קָאָמַר: אִם עֲתִידִין לַחֲזוֹר – הֲרֵי הוּא כִּמְלְחֶמֶת יְהוֹשֻׁעַ וְאֵין לָהּ בְּטֵילָה.

The *baraita* states: **If** the owners **will return in the future, as** was the case in the **war of Joshua** when he conquered Eretz Yisrael, then the status of the object of idol worship **is not revoked.** The Gemara asks: **Is it** so, that after the **war of Joshua** the gentiles **returned** home? They were defeated and killed and did not return home. The Gemara explains: **This** is what the *baraita* **is saying:**[N] **If** the owners **will return in the future,** the idol has the same status **as** did the idols of the gentiles killed in the **war of Joshua,** who intended to return and did not revoke the status of their idols, **and** therefore its status **is not revoked.**

וְלָמָּה לִי לְמֵיתְלֵייהּ בְּמִלְחֶמֶת יְהוֹשֻׁעַ? מִלְּתָא אַגַּב אוֹרְחָא קָא מַשְׁמַע לָן, כִּי הָא דְּאָמַר רַב יְהוּדָה אָמַר רַב: יִשְׂרָאֵל שֶׁזָּקַף לְבֵינָה לְהִשְׁתַּחֲוֹת לָהּ, וּבָא גּוֹי וְהִשְׁתַּחֲוָה לָהּ – אֲסָרָהּ.

The Gemara asks: **And why should I associate** this *halakha* **with** the **war of Joshua?** The Gemara answers: **It teaches us a matter in passing,** that the *halakhot* of idol worship may be derived from the war of Joshua, **as** may be illustrated by **that which Rav Yehuda says** that **Rav says:** In the case of **a Jew who set a brick** upright[H] in order **to bow to it** but did not actually bow to it, **and a gentile** then **came and bowed to it,**[N] the gentile **rendered it prohibited** even though it was not his brick.

מְנָלַן דַּאֲסָרָהּ? אָמַר רַבִּי אֶלְעָזָר: כִּתְחִילָּה שֶׁל אֶרֶץ יִשְׂרָאֵל, דְּאָמַר רַחֲמָנָא: "וַאֲשֵׁרִיהֶם תִּשְׂרְפוּן בָּאֵשׁ", מִכְּדֵי יְרוּשָּׁה הִיא לָהֶם מֵאֲבוֹתֵיהֶם – וְאֵין אָדָם אוֹסֵר דָּבָר שֶׁאֵינוֹ שֶׁלּוֹ!

The Gemara explains: **From where do we** derive **that he rendered it prohibited? Rabbi Elazar says:** This *halakha* is **like** the *halakha* that applied at the **outset of** the Jewish people's conquest of **Eretz Yisrael,** when the Torah commanded them to destroy any trees that were used as part of idolatrous rites [*asherim*], **as the Merciful One states:** "And you shall break down their altars… **and you shall burn their *asherim* with fire"** (Deuteronomy 12:3). **Now,** Eretz Yisrael **is** the **inheritance of** the Jewish people **from their ancestors, and a person does not render forbidden an item that is not his.** If so, how could the gentiles render the trees forbidden, as the land was not theirs?

וְאִי מִשּׁוּם הָנָךְ דְּמֵעִיקָּרָא – בְּבִיטּוּלָא בְּעָלְמָא סָגֵי לְהוּ!

If the trees were forbidden **because** some of them might have been **those** trees **that** were worshipped **initially,**[N] before God gave the land to Abraham, it would not have been necessary to destroy them. Rather, the Jews could have forced the gentiles to revoke their status, and since the *asherim* were objects of gentiles' idol worship, **a mere revocation** would be **sufficient to** render **them** permitted.

אֶלָּא מִדְּפָלְחוּ יִשְׂרָאֵל לָעֵגֶל גִּלּוּ אַדַּעְתַּייהוּ דִּנְיחָא לְהוּ בַּעֲבוֹדָה זָרָה, וְכִי אָתוּ גּוֹיִם שְׁלִיחוּתָא דִּידְהוּ עָבְדִי; הָכִי נַמִּי יִשְׂרָאֵל שֶׁזָּקַף לְבֵינָה, גְּלְיָא דַּעְתַּיהּ דִּנְיחָא לֵיהּ בַּעֲבוֹדָה זָרָה, וְכִי אָתָא גּוֹי וּפָלַח לָהּ, שְׁלִיחוּתָא דִּידֵיהּ קָעָבֵיד.

Rather, since the Jewish people worshipped the Golden **Calf, they revealed their intentions** and indicated **that they were amenable to idol worship. And when** the **gentiles came** and engaged in idol worship, they were, in effect, **carrying out** their **agency** on behalf **of** the Jewish people. The *asherim* were therefore considered objects of Jews' idol worship, whose status cannot be revoked. **So too,** in the case of **a Jew who set a brick** upright in order to bow to it, **he** thereby **revealed his intentions** and indicated **that he is amenable to idol worship. And when a gentile came and worshipped it, he was carrying out the agency** on behalf **of** the Jew.

וְדִלְמָא בָּעֵגֶל הוּא דִּנְיחָא לְהוּ, בִּמְיֵדִי אַחֲרִינָא לָא! אָמַר קְרָא: "אֵלֶּה אֱלֹהֶיךָ יִשְׂרָאֵל", מְלַמֵּד שֶׁאִיווּ לֶאֱלוֹהוּת הַרְבֵּה.

The Gemara challenges: **But perhaps it is** only **with regard to the** Golden **Calf that** the Jewish people **were amenable** to worshipping it, but **not with regard to** any **other** type of idol worship. The Gemara counters: **The verse states** with regard to the Golden Calf: "And they said: **These are your gods, O Israel"** (Exodus 32:4), in the plural. This **teaches that they desired many gods,** and they did not desire to worship only the Golden Calf.

אֵימָא: כָּל דְּבַהֲדֵי עֵגֶל נִיתַּסְרוּ, מִכָּאן וְאֵילָךְ נִישְׁתְּרֵי! מַאן מוֹכַח.

The Gemara suggests: **Say** that **whatever** *asherim* **were** worshipped by the gentiles simultaneously **with** the Jewish people's worship of the Golden **Calf should be prohibited,** because at that time they acted as agents of the Jewish people. But any *ashera* that was worshipped **from that** point **forward,** after the Jewish people repented and no longer engaged in idol worship, **should be permitted.** The Gemara answers: **Who can prove** when each *ashera* was worshipped? Since it is impossible to determine which *asherim* were worshipped at the time of the Golden Calf, they are all forbidden.

NOTES

This is what the *baraita* is saying – הָכִי קָאָמַר: Initially, the Gemara interpreted the *baraita* to be citing the war of Joshua as an example of a case where the owners returned. The Gemara then clarifies that in fact it is meant as an example only of intent to return. The gentile is assumed to have revoked the status of his object of idol worship only if he left intending to never return. In the case of the inhabitants of Eretz Yisrael, they had planned on returning at the conclusion of the war, and therefore they did not revoke the status of the objects of idol worship that they left behind.

And a gentile then came and bowed to it – וְבָא גּוֹי וְהִשְׁתַּחֲוָה לָהּ: The brick is forbidden as an object of idol worship. Although the brick does not belong to the gentile, he renders it forbidden since he is merely completing the process begun by the Jewish owner (see 46a).

If the trees were forbidden because some might have been those that were worshipped initially – וְאִי מִשּׁוּם הָנָךְ דְּמֵעִיקָּרָא: There were, after all, various forms of idol worship in what would become Eretz Yisrael, including the worship of trees, prior to the time of Abraham. During that period of time the land belonged to the gentiles and the objects of idol worship from that era are idols of gentiles, whose status can be revoked by a gentile, even one who is not its owner, and even against the desire of its owner.

HALAKHA

A Jew who set a brick upright – יִשְׂרָאֵל שֶׁזָּקַף לְבֵינָה: If a Jew set a brick upright in order to bow to it but did not actually bow to it, and a gentile then bowed to it, he thereby rendered it forbidden (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 139:1 in the comment of Rema).

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מתני׳ עֲבוֹדָה זָרָה שֶׁהִנִּיחוּהָ עוֹבְדֶיהָ, בִּשְׁעַת שָׁלוֹם – מוּתֶּרֶת, בִּשְׁעַת מִלְחָמָה – אֲסוּרָה. בִּימוּסְיאוֹת שֶׁל מְלָכִים – הֲרֵי אֵלּוּ מוּתָּרוֹת, מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּשָׁעָה שֶׁהַמְּלָכִים עוֹבְרִים.

MISHNA With regard to an object of **idol worship that was abandoned by its worshippers,**[H] if it was abandoned **in peacetime,** it is **permitted,** as it was evidently abandoned by choice and this constitutes an implicit revocation of its status as an object of idol worship. If it was abandoned **in wartime,** it is **prohibited,** as it was not abandoned by choice. With regard to the stone **platforms of kings** upon which idols are placed in honor of the kings, **these are permitted, due to** the fact **that** the idol is **placed** on these platforms only **at the time that the kings pass by.**

גמ׳ אָמַר רַבִּי יִרְמְיָה בַּר אַבָּא אָמַר רַב: בֵּית נִמְרוֹד – הֲרֵי הִיא כַּעֲבוֹדָה זָרָה שֶׁהִנִּיחוּהָ עוֹבְדֶיהָ בִּשְׁעַת שָׁלוֹם, וּמוּתָּר; אַף עַל גַּב דְּכִי בָּדְרִינְהוּ רַחֲמָנָא כִּשְׁעַת מִלְחָמָה דָּמֵי, אִי בָּעָיָא לְמֵיהַדַּר הַדּוּר, מִדְּלָא הֲדוּר בַּטּוּלֵי בִּטְּלָה.

GEMARA **Rabbi Yirmeya bar Abba says** that **Rav says: The temple of Nimrod,**[HN] i.e., the remnants of the tower of Babel (see Genesis 11:1–9), **is considered** a place of **idol worship whose worshippers abandoned it in peacetime, and** it is therefore **permitted.** This is **despite** the fact **that when the Merciful One scattered** the builders of the tower, the situation **resembled wartime,** as they were compelled to leave. Nevertheless, **if they had desired to return, they** could have **returned. Since they did not return,** they evidently chose to abandon the place of idol worship and thereby **revoked** its status.

״בִּימוּסְיאוֹת שֶׁל מְלָכִים – הֲרֵי אֵלּוּ מוּתָּרוֹת״. וְכִי מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּשָׁעָה שֶׁהַמְּלָכִים עוֹבְרִין מוּתָּרִין?

§ The mishna teaches: With regard to the stone **platforms of kings, these are permitted,** due to the fact that the idol is placed on these platforms only at the time that the kings pass by. The Gemara asks: **But** should the platforms be **permitted because** idols are **placed on them at the time that the kings pass by?**

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן, הָכִי קָאָמַר: מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָן בְּשָׁעָה שֶׁהַמְּלָכִים עוֹבְרִין, וּמְלָכִים מְנִיחִין דַּרְכָּן זוֹ וְהוֹלְכִין בְּדַרְכָּן אַחֶרֶת.

Rabba bar bar Ḥana said that **Rabbi Yoḥanan said: This** is what the mishna **is saying:** The platforms are permitted **because** the idol is **placed** on **them at the time that the kings pass by, and** sometimes the **kings abandon this path** where the platform has been placed **and** choose to **walk on a different path.**[N] Since the kings do not impart any importance to the platforms, they are not considered accessories of idol worship.

כִּי אֲתָא עוּלָּא, יָתֵיב אַבִּימָסָא פְּגִימָא. אֲמַר לֵיהּ רַב יְהוּדָה לְעוּלָּא, וְהָא רַב וּשְׁמוּאֵל דְּאָמְרִי תַּרְוַיְיהוּ: בִּימוּס שֶׁנִּפְגַּם – אָסוּר! וַאֲפִילּוּ לְמַאן דְּאָמַר: אֵין עוֹבְדִים לִשְׁבָרִים – הָנֵי מִילֵּי עֲבוֹדָה זָרָה, דְּזִילָא בֵּיהּ מִלְּתָא לְמִפְלַח לִשְׁבָרִים, אֲבָל הַאי לָא אִיכְפַּת לֵיהּ!

§ **When Ulla came** from Eretz Yisrael to Babylonia, **he sat on a damaged platform** of idol worship. **Rav Yehuda said to Ulla: But don't Rav and Shmuel both say: A platform that was damaged** remains **prohibited? And even according to the one who says** that idol worshippers **do not worship fragments** of idols, **that statement** applies only to an object of **idol worship, as** it is **a degrading matter to** a person **to worship fragments. But** in **this** case, with regard to the platform, it **does not matter to him** if it is damaged, as it is still fit for use.

אֲמַר לֵיהּ: מַאן יָהֵיב לָן מֵעַפְרָא דְּרַב וּשְׁמוּאֵל וּמָלְאִינַן עֵינִין, הָא רַבִּי יוֹחָנָן וְרֵישׁ לָקִישׁ דְּאָמְרִי תַּרְוַיְיהוּ: בִּימוּס שֶׁנִּפְגַּם – מוּתָּר. וַאֲפִילּוּ לְמַאן דְּאָמַר: עוֹבְדִין לִשְׁבָרִים – הָנֵי מִילֵּי עֲבוֹדָה זָרָה, דְּכֵיוָן דִּפְלַחָהּ זִילָא בֵּיהּ מִילְּתָא לְבַטּוֹלָהּ, אֲבָל הָנֵי שָׁקְלִי לְהַאי וּמַיְיתוּ בִּימוּס אַחֲרִינָא.

Ulla **said to** Rav Yehuda: **Who shall give us of the dust** of the graves covering **Rav and Shmuel? We** would **fill our eyes** with that dust, as they were great and holy men. Nevertheless, with regard to the *halakha* in this case, **don't Rabbi Yoḥanan and Reish Lakish both say: A platform that was damaged** is **permitted? And even according to the one who says** that idol worshippers **worship fragments** of idols, **that statement** applies only to an object of **idol worship, due to** the fact that **since he** already **worshipped it,** it is **a degrading matter to him to revoke** its status. **But** in the case of **these** platforms, idol worshippers **take this** platform and throw it away **and bring another platform** that is not defective to replace it.

תַּנְיָא כְּוָותֵיהּ דְּרַבִּי יוֹחָנָן וְרֵישׁ לָקִישׁ: בִּימוּס שֶׁנִּפְגַּם – מוּתָּר, מִזְבֵּחַ שֶׁנִּפְגַּם – אָסוּר עַד שֶׁיִּנָּתֵץ רוּבּוֹ. הֵיכִי דָּמֵי בִּימוּס, הֵיכִי דָּמֵי מִזְבֵּחַ? אָמַר רַבִּי יַעֲקֹב בַּר אִידִי אָמַר רַבִּי יוֹחָנָן: בִּימוּס – אֶבֶן אַחַת, מִזְבֵּחַ – אֲבָנִים הַרְבֵּה.

It **is taught** in a *baraita* **in accordance with** the opinion **of Rabbi Yoḥanan and Reish Lakish: A platform that was damaged**[H] is **permitted.** Conversely, **an altar** of idol worship **that was damaged** remains **prohibited until most of it is destroyed. What is considered a platform,** and **what is considered an altar? Rabbi Ya'akov bar Idi says** that **Rabbi Yoḥanan says: A platform** consists of **one stone; an altar** consists of **many stones.**

HALAKHA

An object of idol worship that was abandoned by its worshippers – עֲבוֹדָה זָרָה שֶׁהִנִּיחוּהָ עוֹבְדֶיהָ: Concerning an object of idol worship that was abandoned by its worshippers: If it was abandoned during peacetime, the idol is permitted since its status was revoked. If it was abandoned during wartime, the idol remains forbidden since it was abandoned only because of the war (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:11; *Shulḥan Arukh*, *Yoreh De'a* 146:10).

The temple of Nimrod – בֵּית נִמְרוֹד: An idol that was abandoned by its worshippers in wartime remains forbidden if they are unable to return to it. If they are able to return but choose not to, it is permitted. This is in accordance with the statement of Rabbi Yirmeya bar Abba with regard to the temple of Nimrod (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:11; *Shulḥan Arukh*, *Yoreh De'a* 146:10).

A platform that was damaged – בִּימוּס שֶׁנִּפְגַּם: An altar of idol worship that was damaged remains prohibited until the majority of it is broken by a gentile. A platform, which is made of one stone, becomes permitted when it is damaged (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:12; *Shulḥan Arukh*, *Yoreh De'a* 146:12).

NOTES

The temple of Nimrod – בֵּית נִמְרוֹד: Rashi explains that this is a reference to the Tower of Babel, which is from the era of Nimrod, the remnants of which were still extant in Babylonia. The Rid rejects this interpretation based on midrashic sources. Instead he understands it as a reference to a temple of idol worship located in Babylonia that was established by Nimrod.

And walk on a different path – וְהוֹלְכִין בְּדַרְכָּן אַחֶרֶת: The priests construct the platforms so that the kings will pass by and worship the idols. Yet, the kings do not show these platforms any importance, and therefore the priests revoke their status as objects of idol worship (*Tosafot*). Rashi explains that since the kings routinely abandon the platforms and take another route, the platforms are not consecrated as accessories of idol worship in the first place. The Ritva notes that the wording of the mishna supports Rashi's explanation, as the mishna states that the platforms are permitted, not that their status is revoked, indicating that they are permitted from the outset.

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אֲמַר חִזְקִיָּה: מַאי קְרָא? ״בְּזֹאת יְכֻפַּר עֲוֹן יַעֲקֹב וְזֶה כָּל פְּרִי הָסִר חַטָּאתוֹ בְּשׂוּמוֹ כָּל אַבְנֵי מִזְבֵּחַ כְּאַבְנֵי גִר מְנֻפָּצוֹת לֹא יָקֻמוּ אֲשֵׁרִים וְחַמָּנִים״, אִי אִיכָּא כְּאַבְנֵי גִיר מְנוּפָּצוֹת – לֹא יְקוּמוּן אֲשֵׁרִים וְחַמָּנִים, אִי לָאו – יָקוּמוּ.

Ḥizkiyya said: What is the verse from which this *halakha* is derived? It is derived from the verse: "By this shall the iniquity of Jacob be expiated… **when he makes all the stones of the altar as limestones** [*ke'avnei gir*][N] **that are beaten into pieces, so that the *asherim* and the sun images shall rise no more"** (Isaiah 27:9). This indicates that **if** the description "**as limestones that are beaten into pieces" is** fulfilled, then the statement "**The sun images shall rise no more**" also applies, and their status is revoked. **If** it is **not** fulfilled, then **they shall rise,** meaning that their status is not revoked.

תָּנָא: נֶעֱבַד – שָׁלוּ אָסוּר, וְשֶׁל חֲבֵירוֹ מוּתָּר. וּרְמִינְהִי: אֵיזֶהוּ נֶעֱבַד? כָּל שֶׁעוֹבְדִים אוֹתוֹ בֵּין בְּשׁוֹגֵג וּבֵין בְּמֵזִיד, בֵּין בְּאוֹנֶס וּבֵין בְּרָצוֹן; הַאי אוֹנֶס הֵיכִי דָּמֵי, לָאו כְּגוֹן דְּאָנַס בֶּהֱמַת חֲבֵירוֹ וְהִשְׁתַּחֲוָה לָהּ?

§ The Sages **taught** in a *baraita*: With regard to an item, e.g., an animal, that **was worshipped**[N] by a certain person, if it is **his** item it is **prohibited, but** if it is **another's,** it is **permitted.** The Gemara **raises a contradiction** from another *baraita*: **What is** considered an animal **that was worshipped**[H] and is disqualified from being sacrificed in the Temple? It is **any** animal **that is worshipped, whether unwittingly or intentionally, whether under duress or willingly.**[N] **What are the circumstances** of **this** case of an animal worshipped under **duress? Isn't** it referring to a case **where** one **forcibly** took **another's animal and bowed to it,** indicating that one who worships the animal of another renders it forbidden?

אָמַר רָמֵי בַּר חָמָא: לָא, כְּגוֹן שֶׁאֲנָסוּהוּ גּוֹיִם וְהִשְׁתַּחֲוָה לִבְהֶמְתּוֹ דִּידֵיהּ. מַתְקִיף לָהּ רַבִּי זֵירָא: אוֹנֶס רַחֲמָנָא פְּטְרֵיהּ, דִּכְתִיב: ״וְלַנַּעֲרָה לֹא תַעֲשֶׂה דָּבָר״!

Rami bar Ḥama says: No, the *baraita* is referring to a case **where gentiles coerced**[N] someone **and he bowed to his own animal. Rabbi Zeira objects to this: The Merciful One exempts** a victim of **circumstances beyond his control**[N] from punishment, **as it is written** with regard to a betrothed young woman who is raped: "**But to the maiden you shall do nothing,** the maiden has no sin worthy of death, for as when a man rises against his neighbor, and slays him, so is this matter" (Deuteronomy 22:26).

אֶלָּא אָמַר רָבָא: הַכֹּל הָיוּ בִּכְלַל ״לֹא תָעֲבְדֵם״, וּכְשֶׁפָּרַט לְךָ הַכָּתוּב: ״וְחַי בָּהֶם״, וְלֹא שֶׁיָּמוּת בָּהֶם – יָצָא אוֹנֶס;

Rather, Rava says: All cases of idol worship **were included in** the prohibition: "You shall not bow down to them, **nor shall you serve them"** (Exodus 20:5),[N] including the case of worship under duress. **When the verse specified to you:** "You shall keep My statutes… which a man shall do **and live by them"** (Leviticus 18:5), **and not that he should die by them,** the verse **excluded** the case of **duress.** One would conclude from the verse that one who acts under duress is not considered an idol worshipper, and he is not required to sacrifice his life to refrain from worshipping idols.

וְהַדַּר כְּתַב רַחֲמָנָא: ״וְלֹא תְחַלְּלוּ אֶת שֵׁם קָדְשִׁי״, דְּאַפִּילּוּ בְּאוֹנֶס; הָא כֵּיצַד? הָא בְּצִנְעָא, וְהָא בְּפַרְהֶסְיָא.

The Merciful One then wrote: "And you shall not profane My holy name" (Leviticus 22:32), indicating **that** the prohibition against idol worship applies **even in** a case of **duress,** as this constitutes a desecration of God's name. **How** can **these** texts be reconciled? **This** verse is referring to worshipping under duress **in private,**[H] **and that** verse is referring to worshipping under duress **in public.** In private one is not required to sacrifice his life in order to refrain from idol worship. In public one is required to sacrifice his life rather than engage in idol worship. Therefore, if one engaged in idol worship in public, even under duress, the object of idol worship is forbidden.

NOTES

Limestones [*avnei gir*] – אַבְנֵי גִיר: Rashi explains *gir* to mean frost. The *Arukh* explains *avnei gir* in accordance with its common usage, referring to a type of chalky, soft stone.

Worshipped – נֶעֱבַד: Rashi explains that this refers to an animal that was worshipped and therefore may not be brought as a sacrifice. The Ra'avad interprets this as a principle: If a movable object was worshipped, it is prohibited for one to derive benefit from it, even for non-sacred purposes. If an item that is connected to the ground, or a living creature, is worshipped, it is rendered unfit for use in the Temple.

Or willingly – וּבֵין בְּרָצוֹן: Rashi explains that there is no actual difference between the categories of willingly and intentionally in this context. They are used here only for stylistic purposes. Nevertheless, *Tosafot* (*Yevamot* 53b) attempt to distinguish between the two categories.

Where gentiles coerced him – שֶׁאֲנָסוּהוּ גּוֹיִם: Meaning that they threatened him with death if he would not do as they say (*Tosafot*).

The Merciful One exempts a victim of circumstances beyond his control – אוֹנֶס רַחֲמָנָא פְּטְרֵיהּ: Since the worshipper is not deemed liable for idolatrous worship, the animal does not have the status of an animal that was worshipped (Rabbeinu Ḥananel). The Rid explains that it is possible for one who engaged in idolatrous worship to be liable and for the object that he worshipped to still be permitted, e.g., where one worshipped a mountain. But in any case where the worshipper is not liable, the object of idol worship is certainly permitted.

All cases of idol worship were included in the prohibition: Nor shall you serve them – הַכֹּל הָיוּ בִּכְלַל לֹא תָעֲבְדֵם: The Ramban explains that there is a parallel between the actions of those who engage in idol worship and the idols they worshipped. If all idol worshippers, even those who do so under duress, are included in the category of "nor shall you serve them," all objects of worship are similarly included in the category of "even of the herd" (Leviticus 1:2), from which the Sages derive the *halakha* that animals worshipped as idols are disqualified from being sacrificed as offerings. When the verse specified: "And live by them," it excluded one who engages in idol worship under duress from the prohibition of "nor shall you serve them"; and by extension, that which is worshipped under duress is excluded from the disqualification of "even of the herd." When the verse then stated: "And you shall not profane my holy name" (Leviticus 22:32), it restored the case of engaging in idol worship under duress to the category of "nor shall you serve them." Once this case is restored to the category of prohibited idol worship, that which is worshipped under duress is also forbidden.

HALAKHA

What is considered an animal that was worshipped – אֵיזֶהוּ נֶעֱבַד: An animal is categorized as worshipped and thereby unfit for Temple service whether it was worshipped by its owner or by another, and whether one worshipped it willingly or under duress, knowingly or unwittingly. This *halakha* applies whether it was worshipped before or after it was consecrated. Ra'avad writes that according to the Gemara here, the animal is rendered forbidden only if an act of worship was performed with it (*Rambam Sefer Avoda, Hilkhot Issurei Mizbe'aḥ* 4:6, and see *Kesef Mishne* and *Leḥem Mishne* there).

This is in private – הָא בְּצִנְעָא: If one is threatened with death if he does not transgress one of the three severe prohibitions, namely, idol worship, murder, and forbidden sexual intercourse; he should give up his life rather than transgress the prohibition. This is the *halakha* in private as well as in public. This is in accordance with the opinion of the Rabbis who disagree with Rabbi Yishmael in tractate *Sanhedrin* (74a). One who was required to forfeit his life, and transgressed rather than give up his life thereby desecrates God's name. If he did so in the presence of ten Jews, he desecrates God's name publicly and violates the positive mitzva of sanctification of God's name (*Rambam Sefer HaMadda, Hilkhot Yesodei HaTorah* 5:4; *Shulḥan Arukh, Yoreh De'a* 157:1).

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אֲמַרוּ לֵיהּ רַבָּנַן לְרָבָא, תַּנְיָא דְּמַסַּיְיעָא לָךְ: בִּימוֹסְיאוֹת שֶׁל גּוֹיִם בִּשְׁעַת הַשְּׁמָד, אַף עַל פִּי שֶׁהַשְּׁמָד בָּטֵל – אוֹתָן בִּימוֹסְיאוֹת לֹא בָּטְלוּ.

The Rabbis said to Rava: That which **is taught** in a *baraita* **supports your** opinion. It is taught in a *baraita*: The following *halakha* applies with regard to **platforms of gentiles** that were used for idol worship **in a time of** religious **persecution,** when gentiles decreed that Jews must engage in idol worship. During a time of religious persecution, one is required to sacrifice his life rather than transgress the prohibition against engaging in idolatrous worship even in private. Therefore, **even though the** religious **persecution** was **canceled,** the status of **those platforms is not revoked** and they remain forbidden, despite the fact that the idol worship was performed under duress.

אֲמַר לְהוּ: אִי מִשּׁוּם הָא לָא תְּסַיְּיעָן, אֵימַר יִשְׂרָאֵל מְשׁוּמָּד הֲוָה וּפְלַח לָהּ בְּרָצוֹן. רַב אַשִׁי אָמַר: לָא תֵּימָא ״אֵימַר״, אֶלָּא וַדַּאי יִשְׂרָאֵל מְשׁוּמָּד הֲוָה וּפְלַח לָהּ בְּרָצוֹן.

Rava **said to** the Rabbis: **If** one wishes to support my opinion **due to that** *baraita*, **you cannot support my** opinion, as one can **say** that perhaps **there was an apostate Jew**[N] there **and he worshipped** the idol **willingly,** and therefore the platforms are forbidden. **Rav Ashi says: Do not say** that one can **say** it is a possibility; **rather,** it is **certain** that **there was an apostate Jew** there **and he worshipped it willingly.**

חִזְקִיָּה אָמַר: כְּגוֹן שֶׁנִּיסֵּךְ לַעֲבוֹדָה זָרָה יַיִן עַל קַרְנָיָהּ. מַתְקִיף לָהּ רַב אַדָּא בַּר אַהֲבָה: הַאי נָעֲבַד הוּא? הַאי בִּימוּס בְּעָלְמָא הוּא, וְשָׁרְיָיה!

Ḥizkiyya says:[N] The contradiction between the *baraitot* with regard to an animal that was worshipped can be reconciled differently. The *baraita* that indicates that one who worships the animal of another renders it forbidden is referring to a case **where in idolatrous worship** one **poured** a libation of **wine on the horns of** an animal belonging to another. Since a sacrificial rite was performed upon the animal itself, it is forbidden. **Rav Adda bar Ahava objects to this: Is this** a case of an animal **that was worshipped? This** animal **is a mere platform,**[N] i.e., it serves merely as an altar, **and** it is **permitted.**

אֶלָּא אָמַר רַב אַדָּא בַּר אַהֲבָה: כְּגוֹן שֶׁנִּיסֵּךְ לָהּ יַיִן קַרְנָיָהּ, דַּעֲבַד בָּהּ מַעֲשֶׂה. וְכִי הָא דַּאֲתָא עוּלָּא אָמַר רַבִּי יוֹחָנָן: אַף עַל פִּי שֶׁאָמְרוּ הַמִּשְׁתַּחֲוֶה לִבְהֵמַת חֲבֵירוֹ לֹא אֲסָרָהּ, עָשָׂה בָּהּ מַעֲשֶׂה – אֲסָרָהּ.

Rather, Rav Adda bar Ahava says: That *baraita* is referring to a case **where** he **poured** a libation of **wine in** worship of the animal **between its horns.**[L] In this case one renders another's animal forbidden, **as he performed** a sacrificial **rite upon** the animal itself. **And** this is **similar to that** which Ulla stated, **as Ulla came** from Eretz Yisrael and said that **Rabbi Yoḥanan says: Even though** the Sages **said** that **one who bows to the animal of another** person[H] **does not render it prohibited,** if he **performed** a sacrificial **rite upon it he rendered it prohibited.**[N]

אֲמַר לְהוּ רַב נַחְמָן, פּוּקוּ וְאִמְרוּ לֵיהּ לְעוּלָּא: כְּבָר תִּרְגְּמָהּ רַב הוּנָא לִשְׁמַעְתֵּיךְ בְּבָבֶל, דְּאָמַר רַב הוּנָא: הָיְתָה בָּהֶמַת חֲבֵירוֹ רְבוּצָה בִּפְנֵי עֲבוֹדָה זָרָה, כִּיוָן שֶׁשָּׁחַט בָּהּ סִימָן אֶחָד – אֲסָרָהּ.

Rav Naḥman said to the Rabbis: **Go out and say to Ulla:** This is not a novel concept, as **Rav Huna already interpreted the *halakha* that you** stated **in Babylonia.** This is **as Rav Huna says:** In a case where **the animal of another** person **was lying down before** an object of **idol worship, once** one **cut one of the organs that must be severed in ritual slaughter,** i.e., either the windpipe or the gullet [***siman***], **he rendered it prohibited,** as he performed a sacrificial rite upon the animal.

מְנָא לָן דַּאֲסָרָהּ? אִילֵימָא מִכֹּהֲנִים – וְדִלְמָא שָׁאנֵי כֹּהֲנִים, דִּבְנֵי דֵעָה נִינְהוּ!

The Gemara asks: **From where do we** derive **that he rendered it prohibited? If we say** that it is derived **from** the *halakha* that **priests**[N] who engaged in idol worship are disqualified from serving in the Temple, even if they did so under duress, **perhaps** the case of **priests is different, as they possess awareness** and are responsible for their actions.

וְאֶלָּא מֵאַבְנֵי מִזְבֵּחַ, וְדִלְמָא כִּדְרַב פַּפָּא!

But rather, perhaps it is derived **from** the **stones of** the **altar** that were rendered forbidden by the Greeks, even though the stones were not theirs. The Gemara rejects this suggestion: **But perhaps** the reason the stones of the altar were prohibited is different, **as** explained by the statement **of Rav Pappa** (52b), that when the Greeks entered the Temple it was defiled and became theirs. One therefore cannot derive from that case that one can render the property of another person forbidden.

NOTES

Say that perhaps there was an apostate Jew – אֵימַר יִשְׂרָאֵל מְשׁוּמָּד: The basis for this assumption is that during a time of religious persecution the Jewish people are downtrodden and it is likely that some Jew will therefore willingly engage in idol worship (Rashi).

Ḥizkiyya says – חִזְקִיָּה אָמַר: Ḥizkiyya resolves the contradiction between the two *baraitot*. Unlike Rami bar Ḥama, Ḥizkiyya agrees with the assumption of the Gemara's question that the *baraita* that prohibits an animal that was worshipped under duress is referring to a case where one took another's animal by force and worshipped it. According to this understanding, it appears that one can render another's animal forbidden. Ḥizkiyya suggests a resolution to the apparent contradiction between the two *baraitot*.

A mere platform – בִּימוּס בְּעָלְמָא: One would have expected the Gemara to say that he merely used the animal as an altar. Instead it refers to a platform, because the animal is one entity, just as a platform is fashioned out of one rock (Ra'avad).

He rendered it prohibited – אֲסָרָהּ: The majority of commentaries explain that it is forbidden even for non-sacred purposes. In terms of being unfit for Temple service, an animal is unfit once it is slaughtered, even if it was not slaughtered for idol worship, as anyhow it is rendered a *tereifa*. This is also clear from the Gemara in *Ḥullin* 41a (Ra'avad).

Tosafot explain that nevertheless the statement of Rav Huna should be understood, in line with that of Ulla, as also referring to the animal's disqualification for Temple service. He teaches that just as an action that affects a change in the animal's body renders it forbidden for non-sacred purposes, so too an action performed on it that does not affect a change in it renders it unfit for Temple service.

If we say that it is derived from the *halakha* that priests – אִילֵימָא מִכֹּהֲנִים: This *halakha* is derived from the verse referring to those who acted as priests for idol worship: "And they shall not come near to Me, to minister to Me in the priest's office…but they shall bear their shame, and their abominations which they have committed" (Ezekiel 44:13). This indicates that an action they performed, namely, their acting as priests in service of idol worship, rendered them unfit, despite the fact that they were coerced by the kings of Israel (Rashi). See Ra'avad, who refers to the verse cited in the mishna (*Menaḥot* 109a): "Nevertheless the priests of the high places came not up to the altar of the Lord in Jerusalem" (II Kings 23:9).

LANGUAGE

He poured a libation of wine between its horns – נִיסֵּךְ לָהּ יַיִן בֵּין קַרְנָיָהּ: It has been suggested that this is a literal translation of the Latin expression: Vinum fundit inter cornua. This indicates that such libations were a customary practice in Roman worship.

HALAKHA

One who bows to the animal of another – הַמִּשְׁתַּחֲוֶה לִבְהֵמַת חֲבֵירוֹ: A Jew who bows to an animal belonging to another does not render it forbidden. Even if he performed an act of worship with it, he still does not render it forbidden, as he cannot prohibit something that does not belong to him. A gentile or apostate Jew does render another's animal forbidden if he performed an act of worship with it, in accordance with the Gemara in *Ḥullin* 41a (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 4:4, 145:8).

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HALAKHA

One who bows to the ground – הַמִּשְׁתַּחֲוֶה לְקַרְקַע עוֹלָם: One who bows to the ground does not thereby render it forbidden. If he dug pits, ditches, and caves in it for idol worship, he rendered it forbidden. This is in accordance with the statement of Rabbi Yoḥanan, as explained by Rashi. The *Tur* writes that this refers to a case where he bowed to the pits, ditches, and caves (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 145:7).

Rendered them an exchange – עֲשָׂאָן חֲלִיפִין: Living creatures cannot be rendered forbidden by means of worshipping them. Even if one bows to his own animal, it does not become forbidden. But if one exchanged animals for an object of idol worship, they are rendered forbidden. This is in accordance with the statement of Rabbi Yoḥanan (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 145:9).

Exchange of the exchange – חֲלִיפֵי חֲלִיפִין: The exchange of the exchange of an object of idol worship is permitted. An example of this is an animal that was exchanged for an item that had been exchanged for an object of idol worship. This is in accordance with the opinion of the *Tur*, who holds that the prohibition that takes effect with regard to an item exchanged for an object of idol worship is by rabbinic law. Others disagree and maintain that the exchange of an exchange is prohibited. This is in accordance with the opinion of the Rambam, who holds that since there is a biblical source for the prohibition of the item exchanged for an object of idol worship it should be dealt with stringently, as if it were a prohibition by Torah law (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 145:9 and *Beur HaGra* there).

If one sold these and betrothed a woman with the money – שֶׁאִם מְכָרָן וְקִידֵּשׁ בִּדְמֵיהֶן: If one transgressed and sold an item from which it is prohibited to derive benefit, such as *orla* or diverse kinds of food crops that grew in a vineyard, and he used the money to betroth a woman, she is betrothed. By contrast, in a case involving money paid for idol worship she is not betrothed, as one may not derive benefit from such money, just as one may not benefit from the idol worship itself (Rambam *Sefer Nashim*, *Hilkhot Ishut* 5:2; *Shulḥan Arukh*, *Even HaEzer* 28:22).

NOTES

If one dug pits, ditches, and caves in it – חָפַר בָּהּ בּוֹרוֹת שִׁיחִין וּמְעָרוֹת: The significance of digging pits, ditches, and caves in this context is unclear. The Ra'avad cites commentaries who explain that by digging pits in the ground one renders the land property that is the product of human involvement, and it therefore no longer falls under the general category of property that is attached to the ground. It can therefore be rendered forbidden like movable property. Rashi explains that this refers to one who digs pits for the sake of idolatrous worship. The pits are intended to enhance the idol's importance by providing water for its worshippers (Ritva, citing Ra'avad).

The Ritva explains that generally, when one detaches an object from the ground and worships it, it is rendered forbidden, even if it was not detached in order to worship it. By contrast, in this case the land is not actually detached. The land is therefore not rendered forbidden unless one dug the pits for the sake of idolatrous worship and subsequently worshipped the land. In that case, not only the pits but the entire land that was worshipped is rendered forbidden.

וְאֶלָּא מִכֵּלִים, דִּכְתִיב: ״וְאֵת כָּל הַכֵּלִים אֲשֶׁר הִזְנִיחַ הַמֶּלֶךְ אָחָז בְּמַלְכוּתוֹ בְּמַעֲלוֹ הֵכַנּוּ וְהִקְדָּשְׁנוּ״, וְאָמַר מָר: ״הֵכַנּוּ״ – שְׁגִנָּנוּם, ״וְהִקְדָּשְׁנוּ״ – שֶׁהִקְדַּשְׁנוּ אֲחֵרִים תַּחְתֵּיהֶן; וְהָא אֵין אָדָם אוֹסֵר דָּבָר שֶׁאֵינוֹ שֶׁלּוֹ!

But rather, it is derived **from** the case of **vessels** of the Temple that Ahaz used for idol worship, **as it is written: "And all the vessels, which King Ahaz in his reign did cast away when he acted treacherously, we have prepared and sanctified,** and behold, they are before the altar of the Lord" (II Chronicles 29:19). **And the Master said: "We have prepared"** means **that we interred them; "and sanctified"** means **that we sanctified other** vessels **in their stead,** as the original vessels were prohibited. **But** how could Ahaz render the vessels of the Temple forbidden, as **a person does not render forbidden an item that is not his?**

אֶלָּא כֵּיוָן דַּעֲבַד בְּהוּ מַעֲשֶׂה אִיהַסְּרוּ לְהוּ, הָכָא נַמִי כֵּיוָן שֶׁעָשָׂה בָּהּ מַעֲשֶׂה – אֲסָרָהּ.

Rather, since Ahaz **performed** a sacrificial **rite upon them** in idolatrous worship, the vessels **were prohibited. Here too, when** one **performed** a sacrificial **rite upon** the animal of another person by slaughtering it in idolatrous worship, **he rendered it prohibited.**

כִּי אֲתָא רַב דִּימִי אָמַר רַבִּי יוֹחָנָן: אַף עַל פִּי שֶׁאָמְרוּ הַמִּשְׁתַּחֲוֶה לְקַרְקַע עוֹלָם לֹא אֲסָרָהּ, חָפַר בָּהּ בּוֹרוֹת שִׁיחִין וּמְעָרוֹת – אֲסָרָהּ. כִּי אֲתָא רַב שְׁמוּאֵל בַּר יְהוּדָה אָמַר רַבִּי יוֹחָנָן: אַף עַל פִּי שֶׁאָמְרוּ הַמִּשְׁתַּחֲוֶה לְבַעֲלֵי חַיִּים לֹא אֲסָרָן, עֲשָׂאָן חֲלִיפִין לַעֲבוֹדָה זָרָה – אֲסָרָן.

§ **When Rav Dimi came** from Eretz Yisrael to Babylonia, he said that **Rabbi Yoḥanan says: Even though** the Sages **said** that **one who bows to the ground**[H] **does not render it prohibited,** if one **dug pits, ditches, and caves in it,**[N] **he rendered it prohibited. When Rav Shmuel bar Yehuda came** from Eretz Yisrael to Babylonia, he said that **Rabbi Yoḥanan says: Even though** the Sages **said** that **one who bows to animals does not render them prohibited,** if one **rendered them** an item of **exchange**[H] **for** an object of **idol worship,** exchanging the animal for an object of idol worship, **he rendered them prohibited.**

כִּי אֲתָא רָבִין אָמַר: פְּלִיגוּ בָּהּ רַבִּי יִשְׁמָעֵאל בַּר רַבִּי יוֹסֵי וְרַבָּנַן, חַד אָמַר: חֲלִיפִין אֲסוּרִין, חֲלִיפֵי חֲלִיפִין מוּתָּרִין; וְחַד אָמַר: אֲפִילּוּ חֲלִיפֵי חֲלִיפִין נַמִי אֲסוּרִין.

When Ravin came from Eretz Yisrael to Babylonia, he **said: Rabbi Yishmael bar Rabbi Yosei and the Rabbis disagree with regard to** the *halakha* concerning an item exchanged for an object of idol worship. **One says** that the item of the **exchange** is **prohibited,** but if one then acquired another item in exchange for the item of that exchange, the **exchange of** the **exchange**[H] is **permitted. And one says** that **even** the **exchange of** the **exchange** is **also prohibited.**

מַאי טַעְמָא דְּמַאן דְּאָמַר: חֲלִיפֵי חֲלִיפִין אֲסוּרִין? אָמַר קְרָא: ״וְהָיִיתָ חֵרֶם כָּמֹהוּ״, כָּל שֶׁאַתָּה מְהַיֶּה מִמֶּנּוּ הֲרֵי הוּא כָּמוֹהוּ. וְאִידָךְ? אָמַר קְרָא: ״הוּא״, הוּא – וְלֹא חֲלִיפֵי חֲלִיפִין.

The Gemara asks: **What is the reason of the one who says** that the **exchange of** the **exchange** is **prohibited? The verse states:** "And you shall not bring an abomination into your house, **that you should become accursed like it;** you shall utterly detest it… for it is accursed" (Deuteronomy 7:26). Not only do you become accursed, but **anything that you cause to become** yours **from** the exchange of an object of idol worship **is** accursed **like it,** i.e., is forbidden like the object of idol worship itself. **And** as for **the other** *tanna*, from where does he derive that the exchange of the exchange is permitted? **The verse states:** "For **it** is accursed." Infer from this that **"it,"** the object of idol worship, is forbidden, **but not** the **exchange of** the **exchange.**

וְאִידָךְ? הַהוּא מִיבָּעֵי לֵיהּ לְמַעוּטֵי עָרְלָה וְכִלְאֵי הַכֶּרֶם, שֶׁאִם מְכָרָן וְקִידֵּשׁ בִּדְמֵיהֶן – מְקוּדֶּשֶׁת.

The Gemara asks: **And** as for **the other** *tanna*, how does he interpret the term "it"? The Gemara answers: **He requires that** term **to exclude** an item acquired in exchange for ***orla*** **or** for **diverse kinds** of crops that grew **in a vineyard.**[B] The verse indicates **that if** one **sold** *orla* or diverse kinds that grew in a vineyard **and betrothed** a woman **with** the **money**[H] from the sale, she is **betrothed.**

BACKGROUND

***Orla* or diverse kinds of crops that grew in a vineyard – עָרְלָה וְכִלְאֵי הַכֶּרֶם:** These are two types of crops from which one may not derive any benefit. The prohibition of *orla* refers to the Torah prohibition against eating or deriving benefit from fruit that grows during the first three years after a tree has been planted (see Leviticus 19:23). This prohibition applies only to the fruit but not to the other parts of the tree. The prohibition of diverse kinds renders it prohibited for one to plant or maintain grain or vegetables in a vineyard. If one transgresses this prohibition, both the vineyard and the other crops grown in the vineyard are rendered forbidden and must be burned (see Deuteronomy 22:9). The Gemara here teaches that although one may not sell *orla* or diverse kinds that grew in a vineyard, nevertheless, if one sold them, the proceeds of the sale are not forbidden.

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וְאִידָּךְ? עָרְלָה וְכִלְאֵי הַכֶּרֶם לָא צְרִיכִי מִיעוּטָא, דְּהָווּ לְהוּ עֲבוֹדָה זָרָה וּשְׁבִיעִית שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד, וְכָל שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד אֵין מְלַמְּדִין;

The Gemara asks: **And** from where does **the other** *tanna* derive this *halakha*? He holds that ***orla* and diverse kinds** that grew **in a vineyard do not require an exclusion.** This is **because idol worship and** the **Sabbatical** Year **are two verses that come as one,**[NB] i.e., both teach the same principle, that an item acquired in exchange for a forbidden item is forbidden, **and any two verses that come as one do not teach** their common *halakha* to other cases.

עֲבוֹדָה זָרָה – הָא דַּאֲמָרַן. שְׁבִיעִית – דִּכְתִיב: ״כִּי יוֹבֵל הִיא קֹדֶשׁ תִּהְיֶה לָכֶם״, מַה קֹּדֶשׁ תּוֹפֵס אֶת דָּמָיו וְאָסוּר, אַף שְׁבִיעִית תּוֹפֶסֶת אֶת דָּמֶיהָ וַאֲסוּרָה.

The Gemara explains: The source of this *halakha* with regard to **idol worship** is **that** ruling **which we said** earlier. With regard to the **Sabbatical** Year, the source is **as it is written: "For it is a Jubilee Year; it shall be sacred for you"** (Leviticus 25:12). The verse juxtaposes the Jubilee Year, the produce of which has the same status as produce of the Sabbatical Year, and sacred items. Infer from this that **just as** when one buys **consecrated** property it **transfers** its sanctity to the **money** with which **it** is redeemed **and** the money is **prohibited, so too,** the produce of the **Sabbatical** Year **transfers** its sanctity to the **money** with which **it** is redeemed **and** the money is **prohibited.**

אִי מַה קֹּדֶשׁ תּוֹפֵס אֶת דָּמָיו וְיוֹצֵא לְחוּלִין, אַף שְׁבִיעִית תּוֹפֶסֶת אֶת דָּמֶיהָ וְיוֹצְאָה לְחוּלִין! תַּלְמוּד לוֹמַר: ״תִּהְיֶה״, בַּהֲוָיָתָהּ תְּהֵא,

The Gemara asks: **If** so, one could say that **just as consecrated** property **transfers** its sanctity to the **money** with which **it** is redeemed **and is transferred to non-sacred** status, **so too,** the produce of the **Sabbatical** Year **transfers** its sanctity to the **money** with which **it** is redeemed **and is transferred to non-sacred** status. Therefore, **the verse states: "It shall be** sacred for you," indicating that the produce **shall** always **be as it is,**[H] and it is not desacralized.

הָא כֵּיצַד? לָקַח בְּפֵירוֹת שְׁבִיעִית בָּשָׂר – אֵלּוּ וְאֵלּוּ מִתְבָּעֲרִין בַּשְּׁבִיעִית, לָקַח בַּבָּשָׂר דָּגִים – יָצָא בָּשָׂר נִכְנְסוּ דָּגִים, בַּדָּגִים יַיִן – יָצְאוּ דָּגִים נִכְנַס יַיִן, בַּיַּיִן שֶׁמֶן – יָצָא יַיִן וְנִכְנַס שֶׁמֶן, הָא כֵּיצַד? אַחֲרוֹן אַחֲרוֹן נִתְפָּס בַּשְּׁבִיעִית, וּפֵרֵי עַצְמוֹ אָסוּר.

The Gemara explains: **How so?** If one **purchased meat with produce** of the **Sabbatical** Year,[H] both **these and those,** i.e., the meat and the produce, **are eradicated in the Sabbatical** Year.[N] The sanctity of the Sabbatical Year takes effect with regard to the meat as well. It is treated like the produce, and it must be disposed of when the obligation to eradicate the produce of the Sabbatical Year goes into effect. If he then purchases **fish with** this **meat,** the **meat loses** its consecrated status, and the **fish assume** the consecrated state. If he then purchases **wine with** these **fish,** the **fish lose** their consecrated status and the **wine assumes** the consecrated state. If he then purchases **oil with** the **wine,** the **wine loses** its consecrated status and the **oil assumes** the consecrated state. **How so? The final** item purchased has the sanctity of the **Sabbatical** Year **transferred to it, and the** Sabbatical-Year **produce itself** remains **forbidden.**

וְאִידָּךְ? קָסָבַר: שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד מְלַמְּדִין, וְאִיצְטְרִיךְ ״הוּא״ לְמַעוּטֵינְהוּ.

The Gemara asks: **And** as for **the other** *tanna*, who maintains that the term "it" excludes an item exchanged for *orla* or for diverse kinds that grew in a vineyard, how does he respond to this? The Gemara answers: **He holds** that **two verses that come as one,** i.e., that teach the same principle, **teach** their common *halakha* to other cases, and one could have derived the prohibition from the cases of idol worship and the Sabbatical Year. Therefore, the term **"it" was necessary** in order **to exclude** from the prohibition an item exchanged for *orla* or for diverse kinds that grew in a vineyard.

NOTES

Two verses that come as one – שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד: These verses are considered to come as one because there is a common denominator to these cases. In both, the original item retains its original status while the money is rendered forbidden.

Are eradicated in the Sabbatical Year – מִתְבָּעֲרִין בַּשְּׁבִיעִית: This refers to one of the *halakhot* pertaining to produce of the Sabbatical Year. When produce of any particular kind can no longer be found in the field, one is required to eradicate any produce of that kind that he holds in his possession. This applies even if the produce had been declared ownerless and one subsequently gathered it in a permitted manner.

Some authorities hold that one must eradicate it by destroying it, while others hold that one only has to remove the produce from his possession by declaring it ownerless. This *halakha* also applies to food that was bought with the proceeds from the sale of produce of the Sabbatical Year.

BACKGROUND

Two verses that come as one – שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד: A *halakha* written in one case may serve as a general model for many other instances, in the absence of a restriction limiting the *halakha* to that context. This is the hermeneutical technique called a paradigm. If the same *halakha* appears in two different contexts, the assumption is that the Torah did not intend the second case to be derived from the first, and therefore it is clearly not a general *halakha* but one that applies only in particular circumstances. If it is possible to prove that the two cases could not be inferred from one another, either because they are too dissimilar or for some other such reason, the *halakha* in question can serve as a model for other situations. Some *tanna'im* maintain that even two verses that come as one can teach their common denominator with regard to other cases, as the repetition merely serves to emphasize the general *halakha*. Even these *tanna'im* agree that three verses that come as one cannot teach the *halakha* with regard to other contexts (see *Yad Malakhi*).

HALAKHA

It shall be as it is – בַּהֲוָיָתָהּ תְּהֵא: If one sells produce of the Sabbatical Year, the money attains the same status as the produce itself. Nevertheless, the produce is not desacralized (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 6:6).

If one purchased meat with produce of the Sabbatical Year – לָקַח בְּפֵירוֹת שְׁבִיעִית בָּשָׂר: Meat that was purchased using Sabbatical-Year produce or its proceeds must be eaten in accordance with the restrictions of Sabbatical-Year produce and must be eradicated at the designated time. If the meat was used to purchase fish, the fish acquires the status of Sabbatical-Year produce while the meat loses its consecrated status. If the fish, or its proceeds, was then used to purchase honey, the sanctity is transferred from the fish to the honey. The principle is that the last item that was acquired has the status of Sabbatical-Year produce, and the original produce retains its sanctity (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 6:7).

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LANGUAGE

Philosophers [*filosofin*] – פִּילוֹסוֹפִין: This is a plural form of the Greek φιλόσοφος, *philosophos*, literally, a lover of wisdom. It was used to describe scholars who studied various disciplines, including what is known today as philosophy. The philosophers of Greece and Rome did not actually believe in idol worship. Yet, they lived in a pagan society and entertained the possibility that there was some validity to the belief.

NOTES

My die for a *sela* coin as if it were ownerless [*pumbi*] – סְלַע שֶׁלִּי פּוּמְבִּי: According to Rashi the term *pumbi* refers to an item that is ownerless and can be taken by anyone. A die for a coin is carefully guarded and its use is regulated by the government, and obviously it is not available for public use. Apparently this means that the wicked misuse the ability to procreate, which God gave people to use in a moral fashion.

Rabbeinu Ḥananel understands the term *pumbi* to mean great and famous. The analogy is to someone who adulterates the metal of a coin in order to make it larger. So too, this person mixes his sinful actions into the divine order. The Ra'avad apparently understands the term euphemistically. The sinner creates a human form, which is referred to as God's coinage (see *Sanhedrin* 37a), in a concealed and illicit fashion.

מתני׳ שָׁאֲלוּ אֶת הַזְּקֵנִים בְּרוֹמִי: אִם אֵין רְצוֹנוֹ בַּעֲבוֹדָה זָרָה, לָמָּה אֵינוֹ מְבַטְּלָהּ? אָמְרוּ לָהֶן: אִילּוּ לְדָבָר שֶׁאֵין צוֹרֶךְ לָעוֹלָם בּוֹ הָיוּ עוֹבְדִין – הָיָה מְבַטְּלוֹ, הֲרֵי הֵן עוֹבְדִין לַחַמָּה וְלַלְּבָנָה וְלַכּוֹכָבִים וְלַמַּזָּלוֹת, יֹאבַד עוֹלָמוֹ מִפְּנֵי הַשּׁוֹטִים?

MISHNA The gentiles **asked the** Jewish **Sages** who were **in Rome: If it is not** God's **will** that people should engage **in idol worship, why does He not eliminate it?** The Sages **said to them: Were** people **worshipping** only **objects for which the world has no need, He would eliminate it.** But **they worship the sun and the moon** and **the stars and the constellations. Should He destroy His world because of the fools?**

אָמְרוּ לָהֶן: אִם כֵּן, יֹאבַד דָּבָר שֶׁאֵין צוֹרֶךְ לָעוֹלָם בּוֹ, וְיִנָּצֵל דָּבָר שֶׁצּוֹרֶךְ הָעוֹלָם בּוֹ! אָמְרוּ לָהֶן: אַף אָנוּ מַחֲזִיקִין יְדֵי עוֹבְדֵיהֶן שֶׁל אֵלּוּ, שֶׁאוֹמְרִים: תֵּדְעוּ שֶׁהֵן אֱלוֹהוֹת, שֶׁהֲרֵי הֵן לֹא בָּטְלוּ.

The gentiles **said to** the Sages: **If so, let Him destroy** those **objects** of idol worship **for which the world has no need and leave** those **objects for which the world** has **a need.** The Sages **said to them:** If that were to happen, **we would** thereby **be supporting the worshippers of those** objects for which the world has need, **as they** would **say: You should know that these are** truly **gods, as they were not eliminated** from the world, whereas the others were eliminated.

גמ׳ תָּנוּ רַבָּנַן, שָׁאֲלוּ פִּילוֹסוֹפִין אֶת הַזְּקֵנִים בְּרוֹמִי: אִם אֱלֹהֵיכֶם אֵין רְצוֹנוֹ בַּעֲבוֹדָה זָרָה, מִפְּנֵי מָה אֵינוֹ מְבַטְּלָהּ? אָמְרוּ לָהֶם: אִילּוּ לְדָבָר שֶׁאֵין הָעוֹלָם צוֹרֵךְ לוֹ הָיוּ עוֹבְדִין – הֲרֵי הוּא מְבַטְּלָהּ, הֲרֵי הֵן עוֹבְדִין לַחַמָּה וְלַלְּבָנָה וְלַכּוֹכָבִים וְלַמַּזָּלוֹת, יֹאבַד עוֹלָם מִפְּנֵי הַשּׁוֹטִים? אֶלָּא עוֹלָם כְּמִנְהָגוֹ נוֹהֵג, וְשׁוֹטִים שֶׁקִּלְקְלוּ עֲתִידִין לִיתֵּן אֶת הַדִּין.

GEMARA **The Sages taught:** Certain **philosophers** [*filosofin*][L] **asked the** Jewish **Sages** who were **in Rome: If it is not your God's will** that people should engage **in idol worship, for what** reason **does He not eliminate it?** The Sages **said to them: Were** people **worshipping** only **objects for which the world has no need, He would eliminate it.** But **they worship the sun and the moon** and **the stars and the constellations. Should He destroy** the **world because of the fools? Rather, the world follows its course, and** the **fools who sinned will be held to judgment in the future** for their transgressions.

דָּבָר אַחֵר: הֲרֵי שֶׁגָּזַל סְאָה שֶׁל חִטִּים [וְהָלַךְ] וּזְרָעָהּ בַּקַּרְקַע – דִּין הוּא שֶׁלֹּא תִּצְמַח, אֶלָּא עוֹלָם כְּמִנְהָגוֹ נוֹהֵג וְהוֹלֵךְ, וְשׁוֹטִים שֶׁקִּלְקְלוּ עֲתִידִין לִיתֵּן אֶת הַדִּין.

The *baraita* presents **another matter** that illustrates the same concept: Consider the case of one **who stole a *se'a* of wheat and went and planted it in the ground.** By **right it should not grow. But the world goes along and follows its course and** the **fools who sinned will be held to judgment in the future** for their transgressions.

דָּבָר אַחֵר: הֲרֵי שָׁבָא עַל אֵשֶׁת חֲבֵירוֹ – דִּין הוּא שֶׁלֹּא תִּתְעַבֵּר, אֶלָּא עוֹלָם כְּמִנְהָגוֹ נוֹהֵג וְהוֹלֵךְ, וְשׁוֹטִים שֶׁקִּלְקְלוּ עֲתִידִין לִיתֵּן אֶת הַדִּין.

The *baraita* presents **another matter** that illustrates the same concept: Consider the case of one who **engaged in intercourse with the wife of another.** By **right she should not become pregnant. But the world goes along and follows its course and** the **fools who sinned will be held to judgment in the future** for their transgressions.

וְהַיְינוּ דְּאָמַר רֵישׁ לָקִישׁ, אָמַר הַקָּדוֹשׁ בָּרוּךְ הוּא: לֹא דַּיָּין לָרְשָׁעִים שֶׁעוֹשִׂין סְלַע שֶׁלִּי פּוּמְבִּי, אֶלָּא שֶׁמַּטְרִיחִין אוֹתִי וּמַחְתִּימִין אוֹתִי בְּעַל כָּרְחִי.

The Gemara comments: **And this is as Reish Lakish says: The Holy One, Blessed be He, said: Is it not enough for the wicked that they treat My** die for **a *sela*** coin as if it were **ownerless** [***pumbi***],[N] using it without My permission and against My will, as they impregnate women adulterously? **But** moreover, they also **trouble Me and cause Me to sign** the result of their actions **against My will,** as I form the fetus and give it life, even when its creation is the result of prohibited sexual intercourse.

שָׁאַל פִּילוֹסוֹפוֹס אֶחָד אֶת רַבָּן גַּמְלִיאֵל, כָּתוּב בְּתוֹרַתְכֶם: "כִּי ה' אֱלֹהֶיךָ אֵשׁ אֹכְלָה הוּא אֵל קַנָּא", מִפְּנֵי מָה מִתְקַנֵּא בְּעוֹבְדֶיהָ וְאֵין מִתְקַנֵּא בָּהּ?

A certain philosopher asked Rabban Gamliel: It is written in your Torah with regard to the prohibition against idol worship: **"For the Lord your God is a devouring fire, a jealous God"** (Deuteronomy 4:24). **For what** reason is **He jealous** and does He exact vengeance **from the** idol's **worshippers, but** He is **not jealous of** the idol **itself** and does not destroy it?

אָמַר לוֹ: אֲמָשׁוֹל לְךָ מָשָׁל, לְמָה הַדָּבָר דּוֹמֶה? לְמֶלֶךְ בָּשָׂר וָדָם שֶׁהָיָה לוֹ בֵּן אֶחָד, וְאוֹתוֹ הַבֵּן הָיָה מְגַדֵּל לוֹ אֶת הַכֶּלֶב וְהֶעֱלָה לוֹ שֵׁם עַל שֵׁם אָבִיו, וּכְשֶׁהוּא נִשְׁבָּע, אוֹמֵר: "בְּחַיֵּי כֶּלֶב אַבָּא", כְּשֶׁשָּׁמַע הַמֶּלֶךְ, עַל מִי הוּא כּוֹעֵס, עַל הַבֵּן הוּא כּוֹעֵס אוֹ עַל הַכֶּלֶב הוּא כּוֹעֵס? הֱוֵי אוֹמֵר: עַל הַבֵּן הוּא כּוֹעֵס.

Rabban Gamliel **said to** the philosopher: **I will relate a parable to you. To what is this matter comparable?** It may be compared **to a king of flesh and blood who had one son, and that son was raising a dog. And** the son **gave** the dog **a name,** naming him **after his father. When** the son would **take an oath,** he would **say:** I swear **by the life of the dog, my father. When the king heard** about this, **with whom** was the king **angry? Is he angry with the son or is he angry with the dog? You must say** that **he is angry with the son.** So too, God is angry with the worshippers who attribute divinity to objects of idol worship and not with the objects of idol worship themselves.

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אָמַר לוֹ: כֶּלֶב אַתָּה קוֹרֵא אוֹתָהּ? וַהֲלֹא יֵשׁ בָּהּ מַמָּשׁ! אָמַר לוֹ: וּמָה רָאִיתָ? אָמַר לוֹ: פַּעַם אַחַת נָפְלָה דְּלֵיקָה בְּעִירֵנוּ, וְנִשְׂרְפָה כָּל הָעִיר כּוּלָּהּ וְאוֹתוֹ בֵּית עֲבוֹדָה זָרָה לֹא נִשְׂרַף!

The philosopher **said to** Rabban Gamliel: **Do you call** the idol **a dog? But** the idol truly **exists,** i.e., has power. Rabban Gamliel **said to** the philosopher: **And what did you see** that caused you to believe that the idols have power? The philosopher **said to** Rabban Gamliel: **A fire once broke out in our city, and the entire city was burned down, but that temple of idol worship was not burned down.**

אָמַר לוֹ: אֶמְשׁוֹל לְךָ מָשָׁל, לְמָה הַדָּבָר דּוֹמֶה? לְמֶלֶךְ בָּשָׂר וָדָם שֶׁפָּרְחָה עָלָיו מְדִינָה, כְּשֶׁהוּא עוֹשֶׂה מִלְחָמָה, עִם הַחַיִּים הוּא עוֹשֶׂה אוֹ עִם הַמֵּתִים הוּא עוֹשֶׂה? הֱוֵי אוֹמֵר: עִם הַחַיִּים הוּא עוֹשֶׂה.

Rabban Gamliel **said to** the philosopher **I will relate a parable to you. To what is this matter comparable?** It may be compared **to a king of flesh and blood whose province sinned against him. When he wages war, does he wage** war **against the living or does he wage** war **against the dead? You must say** that **he wages** war **against the living.** God punishes the living worshippers and not the idol, which is not alive.

אָמַר לוֹ: כֶּלֶב אַתָּה קוֹרֵא אוֹתָהּ, מֵת אַתָּה קוֹרֵא אוֹתָהּ, אִם כֵּן יְאַבְּדֶנָּה מִן הָעוֹלָם! אָמַר לוֹ: אִילּוּ לְדָבָר שֶׁאֵין הָעוֹלָם צָרִיךְ לוֹ הָיוּ עוֹבְדִין – הֲרֵי הוּא מְבַטְּלָהּ, הֲרֵי הֵן עוֹבְדִין לַחַמָּה וְלַלְּבָנָה, לַכּוֹכָבִים וְלַמַּזָּלוֹת, לַאֲפִיקִים וְלַנְּאָיוֹת, יְאַבֵּד עוֹלָמוֹ מִפְּנֵי שׁוֹטִים? וְכֵן הוּא אוֹמֵר:

The philosopher **said to** Rabban Gamliel: **You call** the idol **a dog; you call** the idol **dead. If** it is **so, let** God **remove it from the world.** Rabban Gamliel **said to** the philosopher: **Were** people **worshipping** only **objects for which the world has no need, He would eliminate it.** But **they worship the sun and the moon, the stars and the constellations,** and **the streams and the valleys. Should He destroy His world because of fools? And so** the verse **states:**

Perek **IV**
Daf **55** Amud **a**

"אָסֹף אָסִיף כֹּל מֵעַל פְּנֵי הָאֲדָמָה נְאֻם ה'. אָסֹף אָדָם וּבְהֵמָה אָסֹף עוֹף הַשָּׁמַיִם וּדְגֵי הַיָּם וְהַמַּכְשֵׁלוֹת אֶת הָרְשָׁעִים" [וגו'], וְכִי מִפְּנֵי שֶׁהָרְשָׁעִים נִכְשָׁלִים בָּהֶן יְאַבֵּד מִן הָעוֹלָם? וַהֲלֹא לְאָדָם הֵן עוֹבְדִין, "וְהִכְרַתִּי אֶת הָאָדָם מֵעַל פְּנֵי הָאֲדָמָה" [וגו']?

"Shall I utterly consume all things from off the face of the earth? says the Lord. Shall I consume man and beast? Shall I consume the fowls of the heavens and the fish of the sea, and the stumbling blocks of the wicked, and shall I cut off man from off the face of the earth? says the Lord" (Zephaniah 1:2–3). **Should** God **remove** objects of idol worship **from the world due to** the fact **that the wicked stumble because of them?** If so, He would have to destroy all of humanity as well, as **do not** idol worshippers also **worship people?** This is expressed in the continuation of the verse: **"And shall I cut off man from off the face of the earth?** says the Lord."

שָׁאַל אַגְרִיפָּס שַׂר צָבָא אֶת רַבָּן גַּמְלִיאֵל, כְּתִיב בְּתוֹרַתְכֶם: "כִּי ה' אֱלֹהֶיךָ אֵשׁ אֹכְלָה הוּא אֵל קַנָּא", כְּלוּם מִתְקַנֵּא אֶלָּא חָכָם בְּחָכָם וְגִבּוֹר בְּגִבּוֹר וְעָשִׁיר בְּעָשִׁיר!

§ **Agrippas**[L] the **general asked Rabban Gamliel: It is written in your Torah** with regard to idol worship: **"For the Lord your God is a devouring fire, a jealous God"** (Deuteronomy 4:24). **Doesn't** jealousy arise **only** in the following cases: **A wise man** might be **jealous of** another **wise man, and a mighty** man might be jealous **of** another **mighty** man, **and a rich** man might be jealous **of** another **rich** man? If so, why is God jealous of objects of idol worship, which are not gods?

אָמַר לוֹ: אֶמְשׁוֹל לְךָ מָשָׁל, לְמָה הַדָּבָר דּוֹמֶה? לְאָדָם שֶׁנָּשָׂא אִשָּׁה עַל אִשְׁתּוֹ, חֲשׁוּבָה מִמֶּנָּה – אֵין מִתְקַנְּאָה בָּהּ, פְּחוּתָה מִמֶּנָּה – מִתְקַנְּאָה בָּהּ.

Rabban Gamliel **said to** Agrippas: **I will relate a parable to you. To what is this matter comparable?** It can be compared **to a person who married** a second **wife in addition to his** first **wife.** If the second wife is **more distinguished than** the first wife, the first wife **is not jealous of her,** and she does not feel anger toward her husband. But if the second wife is **less distinguished than** the first wife, **she is jealous of her.**

אֲמַר לֵיהּ זוּנִין לְרַבִּי עֲקִיבָא: לִבִּי וְלִבְּךָ יָדַע דַּעֲבוֹדָה זָרָה לֵית בָּהּ מִשָּׁשָׁא, וְהָא קָחֲזִינַן גַּבְרֵי דְּאָזְלִי כִּי מִתַּבְּרִי וְאָתוּ כִּי מִצַּמְּדִי, מַאי טַעְמָא?

Zunin[L] **said to Rabbi Akiva:** Both **my heart and your heart know that there is no substance to idol worship.** Nevertheless, **don't we see people who go** with **broken** limbs to worship idols **and come** back **when they are whole? What is the reason** for this?

LANGUAGE

Agrippas – אַגְרִיפָּס: From the Greek Ἀγρίππας, *Agrippas*, and the Roman Agrippa. It seems that this refers to a gentile who headed the army of King Agrippas II.

Zunin – זוּנִין: This is the Greek name Ζήνων, *Zēnon*. It would appear from the context that he was a gentile.

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אָמַר לוֹ: אֲמְשׁוֹל לְךָ מָשָׁל, לְמָה הַדָּבָר דּוֹמֶה? לְאָדָם נֶאֱמָן שֶׁהָיָה בָּעִיר, וְכָל בְּנֵי עִירוֹ הָיוּ מַפְקִידִין אֶצְלוֹ שֶׁלֹּא בְּעֵדִים, וּבָא אָדָם אֶחָד וְהִפְקִיד לוֹ בְּעֵדִים. פַּעַם אֶחָד שָׁכַח וְהִפְקִיד אֶצְלוֹ שֶׁלֹּא בְּעֵדִים, אָמְרָה לוֹ אִשְׁתּוֹ: בּוֹא וְנִכְפְּרֶנּוּ, אָמַר לָהּ: וְכִי מִפְּנֵי שֶׁשּׁוֹטָה זֶה עָשָׂה שֶׁלֹּא כְּהוֹגֶן אָנוּ נְאַבֵּד אֶת אֱמוּנָתֵינוּ?

Rabbi Akiva **said to** Zunin: **I will relate a parable to you. To what is this matter comparable?** It can be compared **to a trusted person who was in** a certain **city, and all the residents of his city would deposit** items and money **with him,** even **not in** the presence of **witnesses. And** there was **one man** who did not trust him, who **came and** specifically **deposited** money **with him in** the presence of **witnesses.** On **one occasion,** that person **forgot and deposited** money **with him not in** the presence of **witnesses.** The trusted man's **wife said to him: Come, let us deny** that he deposited the money with us, as there are no witnesses. The man **said to her: Should we lose our credibility**[N] and act deceitfully just **because this fool acted improperly** and did not require the presence of witnesses?

אַף כָּךְ יִסּוּרִין, בְּשָׁעָה שֶׁמְּשַׁגְּרִין אוֹתָן עַל הָאָדָם, מַשְׁבִּיעִין אוֹתָן: שֶׁלֹּא תֵּלְכוּ אֶלָּא בְּיוֹם פְּלוֹנִי, וְלֹא תֵּצְאוּ אֶלָּא בְּיוֹם פְּלוֹנִי וּבְשָׁעָה פְּלוֹנִית, וְעַל יְדֵי פְּלוֹנִי וְעַל יְדֵי סַם פְּלוֹנִי. כֵּיוָן שֶׁהִגִּיעַ זְמַנָּן לָצֵאת הָלַךְ זֶה לְבֵית עֲבוֹדָה זָרָה, אָמְרוּ יִסּוּרִין: דִּין הוּא שֶׁלֹּא נֵצֵא, וְחוֹזְרִין וְאוֹמְרִים: וְכִי מִפְּנֵי שֶׁשּׁוֹטֶה זֶה עוֹשֶׂה שֶׁלֹּא כְּהוֹגֶן אָנוּ נְאַבֵּד שְׁבוּעָתֵנוּ?

So too, with regard to different forms of **suffering, at the time when they are sent to** afflict **the person, an oath is administered to them** as follows: Take an oath **that you shall not go** and afflict the person **except on such and such a day. And you shall not leave** him **except on such and such a day, at such and such an hour, by means of so-and-so,** a specific doctor, **and by means of such and such a medicine. When the time came** for the suffering **to leave** him, **this** sick man **went to a temple of idol worship. The** forms of **suffering said:** By **right we should not leave** him. **But then they say: Should we lose** the fulfillment of **our oath** just **because this fool is acting improperly?**

וְהֵיינוּ דְּאָמַר רַבִּי יוֹחָנָן, מַאי דִּכְתִיב: ״וְחֻלָּיִם רָעִים וְנֶאֱמָנִים״? ״רָעִים״ – בִּשְׁלִיחוּתָן, ״וְנֶאֱמָנִים״ – בִּשְׁבוּעָתָן.

And this is consistent with that **which Rabbi Yoḥanan says: What** is the meaning of that **which is written:** "Then the Lord will make your plagues wonderful, and the plagues of your seed, even great plagues and faithful, **and evil and faithful sicknesses**" (Deuteronomy 28:59)? The term "**evil**" does not mean that the agent of sickness is in itself evil. Rather, this is referring **to its mission,** which is to cause harm. The term "**and faithful** sicknesses" indicates that the illnesses are faithful **to their oath** and adhere to the times designated for the affliction.

אָמַר לֵיהּ רָבָא בַּר רַב יִצְחָק לְרַב יְהוּדָה: הָאִיכָּא בֵּית עֲבוֹדָה זָרָה בְּאַתְרִין, דְּכִי מִצְטָרִיךְ עָלְמָא לְמִטְרָא, מִתְחֲזֵי לְהוּ בְּחֶלְמָא וְאָמַר לְהוּ: שַׁחֲטוּ לִי גַּבְרָא וְאֵיתֵי מִטְרָא, שָׁחֲטוּ לָהּ גַּבְרָא וְאָתֵי מִטְרָא!

Rava bar Rav Yitzḥak said to Rav Yehuda: Isn't there a temple of idol worship in our locale, where, when the world is in need of rain, the idol **appears to them in a dream, and it says to them: Slaughter a man** as an offering **to me, and I will bring rain. They** then **slaughter a man for it, and the rain comes.**

אָמַר לֵיהּ: הָשְׁתָּא אִי הָוֵי שָׁכֵיבְנָא לָא אֲמַרִי לְכוּ הָא מִלְּתָא, דְּאָמַר רַב, מַאי דִּכְתִיב: ״אֲשֶׁר חָלַק ה׳ אֱלֹהֶיךָ אֹתָם לְכֹל הָעַמִּים״? מְלַמֵּד שֶׁהֶחֱלִיקָן בִּדְבָרִים כְּדֵי לְטוֹרְדָן מִן הָעוֹלָם.

Rav Yehuda **said to** Rava bar Rav Yitzḥak: **Now, were I dead I would not** have been able to **tell you** the explanation of **this matter.** It is therefore good that you reminded me of this matter while I am alive. The explanation is **as Rav says: What** is the meaning of that **which is written:** "And lest you lift up your eyes to the heavens, and when you see the sun and the moon and the stars, even all the host of heavens, you are drawn away and worship them, and serve them, **which the Lord your God has allotted** [*ḥalak*] **to all the nations** under the whole heaven" (Deuteronomy 4:19). The verse **teaches that** God allowed the nations to be **misled** [***sheheḥelikan***][N] **by matters** that seemingly indicate that idol worship is effective **in order to expel** the nations **from the world** due to their decision to engage in idol worship.

NOTES

Should we lose our credibility – אָנוּ נְאַבֵּד אֶת אֱמוּנָתֵינוּ: Although this particular person did not trust him, people generally did trust him and did not use witnesses when depositing with him. Although this bailee could have denied the deposit on this occasion, he did not wish to lose his credibility with others.

It teaches that God allowed them to be misled [*sheheḥelikan*] – מְלַמֵּד שֶׁהֶחֱלִיקָן: The Gemara reinterprets the term *ḥalak*, because the literal interpretation of the verse is difficult. Were the term *ḥalak* to be interpreted literally in the sense of allotment, it would indicate that idol worship is the gentiles' allotted portion, suggesting that God gave the gentiles license to worship idols, which is not so. The Gemara reinterprets the term to mean that God enables the gentiles to sinfully worship idols as He does not intervene to render it impossible for them to do so (Maharsha).

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וְהַיְינוּ דְּאָמַר רֵישׁ לָקִישׁ, מַאי דִּכְתִיב: ״אִם לַלֵּצִים הוּא יָלִיץ וְלַעֲנָוִים יִתֵּן חֵן״? בָּא לְטַמֵּא – פּוֹתְחִין לוֹ, בָּא לְטַהֵר – מְסַיְּעִין אוֹתוֹ.

And this is consistent with that **which Reish Lakish says: What** is the meaning of that **which is written: "If it concerns the scornful,**[N] **He scorns them, but to the humble He gives grace"** (Proverbs 3:34)? One who **comes** in order **to become impure,** i.e., to sin, **they,** in Heaven, **provide him with an opening** to do so, and he is not prevented from sinning. If one **comes** in order **to become purified,** not only is he allowed to do so, but **they,** in Heaven, **assist him.**

מַתְנִי׳ לוֹקֵחִין גַּת בְּעוּטָה מִן הַנָּכְרִי אַף עַל פִּי שֶׁהוּא נוֹטֵל בְּיָדוֹ וְנוֹתֵן לַתַּפּוּחַ, וְאֵינוֹ עוֹשֶׂה יַיִן נָסָךְ עַד שֶׁיֵּרֵד לַבּוֹר. יָרַד לַבּוֹר – מַה שֶּׁבַּבּוֹר אָסוּר וְהַשְּׁאָר מוּתָּר.

MISHNA One **may purchase from a gentile a winepress**[B] in which the grapes have **been trodden** on,[N] **despite** the fact **that** the gentile **takes** grapes **in his hand**[N] from the winepress **and places** them **on the pile** that remains to be trodden on. **And** the gentile's touch **does not render** the juice of the grapes **wine** used for **a libation** in idol worship, which is forbidden, **until it descends into the** collection **vat,** because until then it does not have the status of wine. Once the wine **descended into the** collection **vat,**[N] **that which is in the vat** is **prohibited, and the rest,** which did not yet descend into the vat, is **permitted.**[N]

דּוֹרְכִין עִם הַנָּכְרִי בַּגַּת,

One **may tread** on grapes together **with the gentile**[N] **in the winepress,**

NOTES

If it concerns the scornful – אִם לַלֵּצִים: The interpretation of the verse is that if one desires to act scornfully, God gives him the opportunity to do so. For the humble, who choose to do that which is good, God not only responds in kind with goodness, but even grants them abundant grace.

One may purchase from a gentile a winepress in which the grapes have been trodden on – לוֹקֵחִין גַּת בְּעוּטָה מִן הַנָּכְרִי: The essential concept is that the juice does not have the status of wine, e.g., with regard to tithes, until it descends into the vat. Therefore, it is at that stage that the rabbinic decree against wine touched by a gentile applies (Ra'avad, and see Jerusalem Talmud).

Takes grapes in his hand – הוּא נוֹטֵל בְּיָדוֹ: That is to say that he takes in his hand the mass of crushed grapes that contains wine to the pile in order to squeeze out the wine a second time (Rashi).

Once the wine descended into the vat – יָרַד לַבּוֹר: Rashi explains that if the gentile descended into the vat and touched the wine there, that wine is forbidden. The wine that still remained in the winepress is permitted. The Rashbam explains that the wine in the vat is forbidden even if the gentile did not touch it, because the wine flows into the vat as a result of the gentile's actions and therefore it is considered as though he intentionally moved the wine to the vat.

And the rest is permitted – וְהַשְּׁאָר מוּתָּר: The vast majority of commentaries understand this to mean that the rest of the wine is totally permitted, even for drinking. Rabbi Shemaya holds that while it is permitted to derive benefit from this wine, nevertheless, the prohibition of nondescript wine of gentiles applies, and one may not drink it (*Tosafot*).

One may tread on grapes with the gentile – דּוֹרְכִין עִם הַנָּכְרִי: Although the Jew assists the gentile in the production of the wine, and profits from doing so, he is not considered to be deriving benefit from items from which deriving benefit is prohibited. This is due to the fact that according to this opinion the liquid is permitted until it enters the vat (Rashi).

BACKGROUND

Winepress – גַּת: Winemakers would typically tread on the grapes in a vat, from where the liquid would descend into a lower vat or pool, which was dug into the ground and sealed. Although most of the mashed grapes and seeds would remain in the upper vat, some would descend into the lower one. Over time the solid matter would float to the top and would be skimmed away. Afterward the wine would be siphoned into jugs where it underwent speedy fermentation by means of a specific rise in temperature. When this boiling process was completed, more impurities, e.g., seeds, grape skins, and yeast, would float to the top with the foam, and they would be removed prior to the sealing of the jugs. Once sealed, the jugs were left for a long time to undergo the slow process of fermentation, the length of which was determined by the quality of the wine.

Winepress and vats

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אֲבָל לֹא בּוֹצְרִין עִמּוֹ. יִשְׂרָאֵל שֶׁהוּא עוֹשֶׂה בְּטוּמְאָה – לֹא דּוֹרְכִין וְלֹא בּוֹצְרִין עִמּוֹ, אֲבָל מוֹלִיכִין עִמּוֹ חָבִיּוֹת לַגַּת וּמְבִיאִין עִמּוֹ מִן הַגַּת.

but one **may not harvest**[N] grapes **with him.** After the harvest the grapes are brought to the winepress, which is ritually impure. This would render the grapes impure, and it is prohibited to render produce of Eretz Yisrael impure. In the case of **a Jew who produces** his wine **in** a state of **ritual impurity,**[H] one **may not tread** on grapes **nor harvest** them **with him,** as it is prohibited to assist transgressors. **But** once he has produced his wine, one **may take** the **barrels to the winepress with him,**[N] as the wine is already impure. **And** one **may** also **bring** the barrels **from the winepress** together **with him.**

נַחְתּוֹם שֶׁהוּא עוֹשֶׂה בְּטוּמְאָה – לֹא לָשִׁין וְלֹא עוֹרְכִין עִמּוֹ, אֲבָל מוֹלִיכִין עִמּוֹ פַּת לַפַּלְטֵר.

Similarly, in the case of **a baker who makes** his bread **in** a state of **ritual impurity,**[H] one **may not knead or arrange** the dough in the shape of bread together **with him,** so as not to assist in a transgression. **But** one **may take** the **bread with him to the bread merchant** [*lapalter*].[NL]

גמ׳ אָמַר רַב הוּנָא: יַיִן כֵּיוָן שֶׁהִתְחִיל לְהִמָּשֵׁךְ עוֹשֶׂה יַיִן נָסֶךְ. תְּנַן: לוֹקְחִים גַּת בְּעִיטָה מִן הַנָּכְרִי, וְאַף עַל פִּי שֶׁנָּטַל בְּיָדוֹ וְנָתַן לַתַּפּוּחַ! אֲמַר רַב הוּנָא: בְּגַת פְּקוּקָה וּמְלֵאָה.

GEMARA **Rav Huna says:** With regard to **wine, once it begins to flow**[H] toward the exit from the winepress it can **become wine** used for **a libation** in idol worship if touched by a gentile. The Gemara asks: But **we learned** in the mishna: One **may purchase from a gentile a winepress** in which the grapes have **been trodden** on, **despite** the fact **that** the gentile **took** grapes **in his hand and placed** them **on the pile** of grapes that remained to be trodden on? Presumably the wine began to flow once the grapes were pressed, and yet the mishna states that the wine is not forbidden. **Rav Huna said:** The mishna is referring **to a winepress** that is **stoppered and full,**[NH] and therefore the wine does not flow.

תָּא שְׁמַע: וְאֵינוֹ עוֹשֶׂה יַיִן נָסֶךְ עַד שֶׁיֵּרֵד לַבּוֹר! הָכָא נַמִּי בְּגַת פְּקוּקָה וּמְלֵאָה.

The Gemara suggests: **Come** and **hear** a proof from the mishna: **And** the gentile's touch **does not render** the grape juice **wine** used for **a libation** in idol worship **until it descends into the** collection **vat.** This indicates that even if the wine flows it does not become wine used for a libation before it descends into the vat. The Gemara answers: **Here, too,** the mishna is referring **to a winepress** that is **stoppered and full,**[N] and the wine does not flow.

תָּא שְׁמַע: יָרַד לַבּוֹר, מַה שֶּׁבַּבּוֹר אָסוּר וְהַשְּׁאָר מוּתָּר! אֲמַר רַב הוּנָא, לָא קַשְׁיָא: כָּאן בְּמִשְׁנָה רִאשׁוֹנָה, כָּאן בְּמִשְׁנָה אַחֲרוֹנָה;

The Gemara suggests: **Come** and **hear** a proof from the mishna: Once the wine **descended into the** collection **vat, that which is in the vat** is **prohibited, and the rest** that did not yet descend into the vat is **permitted,** even though it already began to flow. **Rav Huna said:** This is **not difficult. Here,** in the mishna, the *halakha* is stated **in** accordance with the **initial** version of the **mishna.**[B] **There,** in my ruling, the *halakha* is stated **in** accordance with the **ultimate** version of the **mishna.**

NOTES

But one may not harvest – אֲבָל לֹא בּוֹצְרִין: Rashi explains that it is because he would cause the grapes to become ritually impure by bringing them into an impure winepress where they would become impure when pressed. By contrast, some commentaries maintain (based on 39b) that the very act of harvesting the grapes for the purpose of bringing them to the press renders them susceptible to contracting ritual impurity when the gentile touches them (Rambam's Commentary on the Mishna) or when they are placed in his vessels (Ra'avad).

One may take barrels…with him – מוֹלִיכִין עִמּוֹ חָבִיּוֹת: At this stage the process that involved transgression is concluded and transporting the barrels is not considered to be participating in a transgression, but rather performing a distinct, separate task.

Bread merchant [*palter*] – פַּלְטֵר: Rashi explains that *palter* refers to a baker. Since the dough was already impure, no impurity is added by baking it. The majority of the early commentaries hold, based both on linguistic and contextual considerations, that *palter* refers to a bread merchant who receives bread that is already baked. Bringing him the impure bread therefore involves no additional transgression.

To a winepress that is stoppered and full – בְּגַת פְּקוּקָה וּמְלֵאָה: The significance of it being stoppered is that the wine does not leave the winepress. The significance of it being full is that the wine does not move around within the winepress itself.

Here too it is referring to a winepress that is stoppered and full – הָכָא נַמִּי בְּגַת פְּקוּקָה וּמְלֵאָה: According to this explanation, the term: Until it descends into the vat, does not mean that the wine must actually reach the vat. Rather, it refers to the stage when the stopper is removed and the wine begins to flow toward the vat, even though it still remains in the winepress (Ra'avad).

LANGUAGE

Bread merchant [*palter*] – פַּלְטֵר: From the Greek πωλητήρ, *polētēr*, meaning a merchant or storekeeper.

BACKGROUND

The initial version of the mishna – מִשְׁנָה רִאשׁוֹנָה: When the Sages of the mishna present a given *halakha* only to reconsider the situation and change the ruling at a later time, the original ruling is referred to as the initial version of the mishna and the final ruling is referred to as the ultimate version of the mishna. Several possibilities have been suggested in order to explain why the initial version of the mishna is maintained even after the ruling was changed. It is possible that understanding the process of changing the ruling can be valuable in understanding the final *halakha*. Some suggest that once students had committed the initial version to memory it was difficult to erase it entirely (*Halikhot Olam*).

HALAKHA

A Jew who produces his wine in ritual impurity – יִשְׂרָאֵל שֶׁהוּא עוֹשֶׂה בְּטוּמְאָה: One may not harvest grapes together with, and certainly not press grapes together with, a Jew who produces his wine in ritual impurity, because of the *teruma* that he will thereby produce in impurity. One may carry barrels to and from the winepress with him (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 12:10).

A baker who makes his bread in ritual impurity – נַחְתּוֹם שֶׁהוּא עוֹשֶׂה בְּטוּמְאָה: One may not knead nor arrange the dough together with a baker who produces his bread in ritual impurity, so as not to assist in transgression. One may take the bread with him to the bread merchant (*Rambam Sefer Zera'im*, *Hilkhot Bikkurim* 8:13).

Once it begins to flow – כֵּיוָן שֶׁהִתְחִיל לְהִמָּשֵׁךְ: The juice of the grapes is defined as wine, such that it can be forbidden by a gentile touching it, from the time that it begins to flow independently, as the winepress is on an incline. This is certainly the *halakha* if it flows out of the press toward the vat (*Shakh*). This is in accordance with the ruling of Rav Huna. When a gentile touches the wine, all of the wine in the press becomes prohibited. It is considered a flow of wine only once the wine has descended to the floor of the winepress and the wine alone remains (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:11; *Shulḥan Arukh*, *Yoreh De'a* 123:17).

To a winepress that is stoppered and full – בְּגַת פְּקוּקָה וּמְלֵאָה: Wine is not considered to be flowing in a press that is stoppered and full (*Shulḥan Arukh*, *Yoreh De'a* 123:20).

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דְּתַנְיָא, בָּרִאשׁוֹנָה הָיוּ אוֹמְרִים בד"ד: אֵין בּוֹצְרִין עִם הַנָּכְרִי בַּגַּת, שֶׁאָסוּר לְגָרוֹם טוּמְאָה לַחוּלִין שֶׁבְּאֶרֶץ יִשְׂרָאֵל; וְאֵין דּוֹרְכִין עִם יִשְׂרָאֵל שֶׁעוֹשֶׂה פֵּירוֹתָיו בְּטוּמְאָה, שֶׁאָסוּר לְסַיֵּיעַ יְדֵי עוֹבְרֵי עֲבֵירָה; אֲבָל דּוֹרְכִים עִם הַנָּכְרִי בַּגַּת, וְלָא חָיְישִׁינַן לְדָרֵב הוּנָא.

This is **as it is taught** in a *baraita*: **Initially,** the Sages **would say** the following *halakhot* whose mnemonic is ***bet, dalet, dalet,*** which stands for harvesting [*botzrin*], treading [*dorkhin*], and treading [*dorkhin*]: One **may not harvest** grapes **with a gentile**[H] **in** order to bring them to **the winepress, as** this would render the grapes ritually impure and it is **prohibited to impart impurity to the non-sacred** produce **that is in Eretz Yisrael. And** one **may not tread** on grapes together **with a Jew who produces** wine from **his fruit in** a state of **ritual impurity, as it is prohibited to assist transgressors. But** one **may tread** on grapes **in the winepress** together **with the gentile.** The Gemara comments: **And we are not concerned about** the ruling **of Rav Huna** that from the time that it flows the wine is rendered wine used for a libation.

HALAKHA

One may not harvest grapes with a gentile – אֵין בּוֹצְרִין עִם הַנָּכְרִי: One may not harvest grapes in a winepress with a gentile. The *halakha* is the same with regard to a tub in which grapes are placed to ferment (Mordekhai; *Tosafot*). This is due to the concern that the gentile might touch it and render it wine used for a libation. This is in accordance with the ultimate version of the mishna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:11; *Shulḥan Arukh*, *Yoreh De'a* 123:21).

וְחָזְרוּ לוֹמַר דב"ד: אֵין דּוֹרְכִין עִם הַנָּכְרִי בַּגַּת, מִשּׁוּם דְּרַב הוּנָא;

The *baraita* continues: **But** the Sages later **revised** this *halakha* and **said** the following *halakhot* whose mnemonic is ***dalet, beit, dalet,*** which stands for treading [*dorkhin*], harvesting [*botzrin*], and treading [*dorkhin*]: One **may not tread** on grapes **in the winepress** together **with the gentile.** The Gemara comments: This is **due to** the ruling **of Rav Huna** that from the time that it flows the wine can be rendered wine used for a libation. The gentile usually touches the flowing wine while treading on the grapes, rendering the wine forbidden. Therefore, if a Jew receives payment for treading on the grapes with the gentile, he is profiting from an item from which deriving benefit is prohibited.

Perek **IV**
Daf **56** Amud **a**

וְאֵין בּוֹצְרִין עִם יִשְׂרָאֵל שֶׁעוֹשֶׂה פֵּירוֹתָיו בְּטוּמְאָה, וְכָל שֶׁכֵּן שֶׁאֵין דּוֹרְכִין; אֲבָל בּוֹצְרִין עִם הַנָּכְרִי בַּגַּת, שֶׁמּוּתָּר לְגָרוֹם טוּמְאָה לְחוּלִין שֶׁבְּאֶרֶץ יִשְׂרָאֵל.

And one **may not harvest** grapes together **with a Jew who produces** wine from **his fruit in** a state of **ritual impurity,** as he is thereby causing the produce to be rendered impure. **And all the more so may** one **not tread** on the grapes with him, as he is assisting the Jew who is rendering the wine impure by treading on the grapes. **But** one **may harvest** grapes **into the winepress** together **with the gentile, as it is permitted to impart impurity**[H] **to non-sacred** produce **that is in Eretz Yisrael.**

HALAKHA

It is permitted to impart impurity – מוּתָּר לְגָרוֹם טוּמְאָה: Just as it is permitted to eat and drink impure food and drink, so too it is permitted to render non-sacred produce of Eretz Yisrael impure. This is in accordance with the ultimate version of the mishna. Therefore, one is permitted to render impure food that is fit for consumption that already had *teruma* separated from it (*Rambam Sefer Tahara*, *Hilkhot Tumat Okhalin* 16:9, and see *Sefer Zera'im*, *Hilkhot Bikkurim* 7:12, 8:10).

"וְאֵינוֹ עוֹשֶׂה יַיִן נֶסֶךְ עַד שֶׁיֵּרֵד לַבּוֹר". וְהָתַנְיָא: יַיִן – מִשֶּׁיִּקָּפֵה!

§ The mishna teaches: **And** the gentile's touch **does not render** the juice of the grapes into **wine** used for **a libation until it descends into the** collection **vat,** because until then it does not have the status of wine. The Gemara asks: **But isn't it taught** in a mishna (*Ma'asrot* 1:7) with regard to the stage when the work of producing the wine is considered complete and one is obligated to separate tithes from the wine: With regard to **wine,** one is obligated to separate tithes **from** the time **that** the solid residue **floats** [***misheyikpe***][L] on top of the wine.

אֲמַר רָבָא, לָא קַשְׁיָא: הָא רַבִּי עֲקִיבָא, הָא רַבָּנַן; דְּתַנְנָן: יַיִן – מִשֶּׁיֵּרֵד לַבּוֹר, רַבִּי עֲקִיבָא אוֹמֵר: מִשֶּׁיִּקָּפֵה.

Rava said: It is not difficult. That mishna is in accordance with the opinion of **Rabbi Akiva,** whereas **this** mishna is in accordance with the opinion of **the Rabbis.** This is **as we learned** in a *baraita*: With regard to **wine,** one is obligated to separate tithes **from** the time **that** the wine **descends into the** collection **vat. Rabbi Akiva says:** One is obligated to separate tithes only **from** the time **that** the solid residue **floats** on top of the wine.

LANGUAGE

From the time that the solid residue floats [*misheyikpe*] – מִשֶּׁיִּקָּפֵה: The root of this word is *kuf*, *peh*, *alef*, meaning to float and rise to the surface. Some maintain that it is related to the word for freeze, as ice rises and floats on the surface of the water. The term has different forms depending on its usage.

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אִיבַּעְיָא לְהוּ: קִיפּוּי דְּבוֹר אוֹ קִיפּוּי דְּחָבִית?

A dilemma was raised before the Sages: Is Rabbi Akiva referring to the **floating** of the seeds on top of the wine **in the** collection **vat or** to the **floating** of the yeast on top of the wine **in** the **barrel?**

תָּא שְׁמַע, דְּתַנְיָא: יַיִן – מִשֶּׁיִּקָּפֶה, אַף עַל פִּי שֶׁקָּפָה – קוֹלֵט מִן הַגַּת הָעֶלְיוֹנָה וּמִן הַצִּינּוֹר וְשׁוֹתֶה; שָׁמַע מִינָּהּ: קִיפּוּי דְּבוֹר קָאָמְרִינַן, שָׁמַע מִינָּהּ.

The Gemara suggests: **Come** and **hear** a resolution of this issue, **as it is taught** in that mishna: With regard to **wine,** one is obligated to separate tithes **from** the time **that** the solid residue **floats** on top of the wine. Subsequently, **even though** the residue **has floated,**[H] one **may collect** wine **from the upper winepress**[N] **and from the pipe** that connects the upper winepress to the vat, **and** one **may drink** it without separating tithes. **Conclude from** the mishna that **we are speaking** about the **floating** of the seeds on top of the wine **in** the collection **vat.** The Gemara affirms: **Conclude from it** that it is so.

וְהָתָנֵי רַב זְבִיד בְּדִבְרֵי רַבִּי אוֹשַׁעְיָא: יַיִן – מִשֶּׁיֵּרֵד לַבּוֹר וְיִקָּפֶה, רַבִּי עֲקִיבָא אוֹמֵר: מִשֶּׁיִּשְׁלֶה בְּחָבִיּוֹת! תַּרְצָהּ נַמִּי לְהָךְ קַמַּיְיתָא הָכִי: יַיִן – מִשֶּׁיֵּרֵד לַבּוֹר וְיִקָּפֶה, רַבִּי עֲקִיבָא אוֹמֵר: מִשֶּׁיִּשְׁלֶה בְּחָבִיּוֹת.

The Gemara asks: **But didn't Rav Zevid teach** a different version of the aforementioned dispute **in** a *baraita* **of the school of Rabbi Oshaya:** With regard to **wine,** one is obligated to separate tithes **from** the time **that** the wine **descends into the** collection **vat and** the seeds **float** on top. **Rabbi Akiva says:** One is obligated to separate tithes only **from** the time **that** one **siphons** the wine from the vat **into barrels.** The Gemara replies that one can resolve the contradiction: **Explain that first** *baraita* in **this** manner **as well:** With regard to **wine,** one is obligated to separate tithes **from** the time **that** the wine **descends into the** collection **vat and** the seeds **float** on top. **Rabbi Akiva says:** One is obligated to separate tithes only **from** the time **that** one **siphons** the wine from the vat **into barrels.**

וְאֶלָּא מַתְנִיתִין דְּקָתָנֵי: אֵינוֹ עוֹשֶׂה יַיִן נֶסֶךְ עַד שֶׁיֵּרֵד לַבּוֹר, לֵימָא, תְּלָתָא תַּנָּאֵי הִיא? לָא, שָׁאנֵי יַיִן נֶסֶךְ, דְּאַחְמִירוּ בֵּיהּ רַבָּנַן.

The Gemara asks: **But** whose opinion is expressed in **the mishna that teaches:** The gentile **does not render** the juice of the grapes into **wine** used for **a libation until it descends into the** collection **vat? Shall we say** that the stage when the work of producing the wine is considered complete **is** subject to a dispute between **three *tanna'im*?**[N] The Gemara replies: **No,** the prohibition of **wine** used for **a libation is different, as the Sages were stringent concerning it**[N] and render the wine forbidden even before the seeds float. By contrast, with regard to tithes, the *tanna* of this mishna holds in accordance with the opinion of either Rabbi Akiva or the Rabbis.

Perek **IV**
Daf **56** Amud **b**

וּלְרָבָא דְּלָא שָׁאנֵי לֵיהּ, מוֹקִים לֵיהּ כְּתַלְתָּא תַּנָּאֵי.

The Gemara comments: **And according to Rava, who** explains that the mishna with regard to wine used for libations is in accordance with one opinion whereas the mishna with regard to tithes is in accordance with another opinion, and **he does not** hold that the case of wine used for a libation **is different, he interprets it as** a dispute between **three *tanna'im*.**

״מַה שֶּׁבַּבּוֹר אָסוּר וְהַשְּׁאָר מוּתָּר״. אָמַר רַב הוּנָא: לֹא שָׁנוּ אֶלָּא שֶׁלֹּא הֶחֱזִיר גַּרְגּוּתְנִי לַגַּת, אֲבָל הֶחֱזִיר גַּרְגּוּתְנִי לַגַּת – אָסוּר.

§ The mishna teaches: Once the wine descends into the collection vat, **that which is in the** collection **vat** is **prohibited, and the rest,** which did not yet descend into the collection vat, is **permitted. Rav Huna says:** The mishna **taught** that the rest of the wine is permitted **only** in a case **where he did not return** the **wicker basket** [*gargutni*],[L] which is used to strain the wine on the way to the vat, **to the winepress. But** if **he returned** the **wicker basket to the winepress,**[H] even the wine remaining in the winepress is **prohibited,** as the wine in the basket renders the wine in the winepress forbidden.

HALAKHA

Even though the residue has floated – אַף עַל פִּי שֶׁקָּפָה: Once wine has been placed in a barrel and the seeds and skin have been skimmed off, its work is completed. At the stage when one removes the wine from the vat in order to place it in the barrel, he may still drink from it in a non-formal manner. Similarly, one may take wine from the upper winepress or from the pipe and drink from it in a non-formal manner. This is in accordance with the opinion of Rabbi Akiva, as the conclusion of the Gemara is that the floating that Rabbi Akiva refers to is that which takes place in the barrel (*Rambam Sefer Zera'im*, *Hilkhot Ma'aser* 3:14 and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 331:86).

NOTES

One may collect wine from the upper winepress – קוֹלֵט מִן הַגַּת הָעֶלְיוֹנָה: Although the wine that is in the vat is completely processed and has the status of wine, this is not true of the wine in the upper winepress and in the pipe. It is therefore permitted to drink wine from these without tithing it beforehand.

Say that it is subject to a dispute between three *tanna'im* – לֵימָא תְּלָתָא תַּנָּאֵי הִיא: It now appears that there are three different opinions as to the point at which it is considered wine: The opinion in the mishna here, stated in the context of wine used for libations, and the two opinions stated in the context of tithes.

Were stringent concerning it – דְּאַחְמִירוּ בֵּיהּ: Although it is before the actual time of the completion of its work, in terms of the prohibition of wine touched by a gentile the Sages defined it as wine. Therefore the opinion of this *tanna* is not relevant to the definition of wine in the context of tithes, where he could accept the opinion of either Rabbi Akiva or the Rabbis. For this reason, there is no need to assume the existence of a third opinion in terms of tithes.

LANGUAGE

Wicker basket [*gargutni*] – גַּרְגּוּתְנִי: From the Greek γεργαθός, *guergathos*, or γυργαθός, *gurgathos*, meaning a wicker basket.

HALAKHA

If he returned the wicker basket to the winepress – הֶחֱזִיר גַּרְגּוּתְנִי לַגַּת: If a mixture of wine and seeds descends from a winepress that is stoppered into the basket that the wine is filtered in, only the wine that is in the basket has the status of wine, not that which is in the press. If a gentile touched the basket the wine is forbidden. If the basket is returned to the winepress, then all of the wine in the press is forbidden because it is mixed with the wine of the basket. If the quantity of seeds and grape skins that are in the winepress is sixty times that of the wine that fell into the press from the basket, then the mixture is permitted. This is in accordance with the ruling of Rav Huna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:11; *Shulḥan Arukh*, *Yoreh De'a* 123:20).

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גַּרְגּוּתְנִי גּוּפָהּ בְּמַאי קָא מִיתַּסְרָא? בִּנְצוֹק; שְׁמַע מִינָּהּ: נְצוֹק חִיבּוּר? כִּדְתָנֵי רַבִּי חִיָּיא: שֶׁפִּחֲתָה וְצָלוֹחִיתוֹ, הָכָא נַמִּי שֶׁפִּחֲתָה בּוֹרוֹ.

The Gemara asks: With regard to the wine in the **wicker basket itself, in what** manner **is it rendered forbidden?** Apparently, it is rendered forbidden **by** the **stream** of liquid that flows from the basket into the vat below, thereby connecting the wine in the basket to the forbidden wine in the vat. If so, **conclude from** Rav Huna's statement that an uninterrupted **stream** of liquid is considered **a connection.** The Gemara rejects the inference: The reason for Rav Huna's statement could be different, **as Rabbi Ḥiyya teaches** that if one fills a gentile's flask through a funnel, the wine in the funnel is rendered forbidden in a case **where** the level of the wine in **his flask** rose and **reached** the funnel. **Here too,** Rav Huna is referring to a case **where** the level of the wine in **his** collection **vat** rose and **reached** the basket.

הַהוּא יְנוּקָא דְּתְנָא עֲבוֹדָה זָרָה בְּשִׁית שְׁנֵי, בְּעוּ מִינֵּיהּ: מַהוּ לְדָרוֹךְ עִם הַנָּכְרִי בַּגַּת? אֲמַר לְהוּ: דּוֹרְכִין עִם הַנָּכְרִי בַּגַּת. וְהָא קָא מְנַסֵּךְ בִּידֵיהּ! דְּצָיְירָא לְהוּ לִידֵיהּ. וְהָא קָא מְנַסֵּךְ בְּרַגְלֵהּ! נִיסּוּךְ דְּרֶגֶל לָא שְׁמֵיהּ נִיסּוּךְ.

§ The Gemara relates: There was **a certain** outstanding **child who learned** the tractate of ***Avoda Zara*** **when** he was **six years** old. People **raised a dilemma to him: What is** the *halakha*? Is it permitted **to tread** on grapes **in the winepress** together **with the gentile?** The child **said to them:** One **may tread** on grapes **in the winepress** together **with the gentile,** in accordance with the ruling of the mishna. They asked the child: **But doesn't** the gentile **render** the wine **a libation** by touching it **with his hands,** rendering it forbidden? If so, how may a Jew derive benefit from the wine by receiving payment for his work? The child replied: It is permitted in a case **where we tie his hands**[H] so that he cannot pour the wine as a libation. The child was then asked: **But doesn't** the gentile **render** the wine **a libation** by touching it **with** his **foot?** The child replied: **Rendering** wine **a libation** by touching it **with** one's **foot**[H] **is not considered rendering** it **a libation.**

הַהוּא עוּבְדָּא דַּהֲוָה בִּנְהַרְדְּעָא, דְּדָשׁוּ יִשְׂרָאֵל וְגוֹי לְהַהוּא חַמְרָא, וְשָׁהֵייהּ שְׁמוּאֵל תְּלָתָא רִיגְלֵי. מַאי טַעְמָא? אֵילֵימָא מִשּׁוּם דְּקָסָבַר:

The Gemara relates: **There was a certain incident in Neharde'a**[B] **in which a Jew and a gentile trod** on grapes and produced **a certain wine** together, **and Shmuel delayed** ruling on the matter for **three Festivals,**[N] as the Sages gathered during the Festivals and presented Shmuel with the opportunity to clarify the matter with them. The Gemara asks: **What is the reason** that Shmuel delayed his ruling? **If we say** that Shmuel delayed ruling on the matter **because he thought** to himself:

HALAKHA

Where we tie his hands – דְּצָיְירָא לְהוּ לִידֵיהּ: One may not press grapes alongside a gentile in a winepress, due to the concern that the gentile might touch and pour the wine. This is the *halakha* even if the gentile's hands are tied up. This is in accordance with the opinion of the Rif, who omits the ruling of the Gemara here. According to *Tosafot* it is certainly prohibited *ab initio*. The question is only whether there is a prohibition against deriving benefit from the wine after the fact (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:11; *Shulḥan Arukh*, *Yoreh De'a* 123:21).

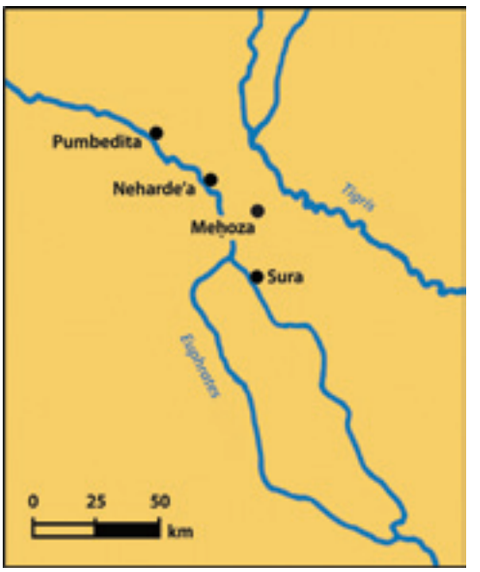
Rendering wine a libation with one's foot – נִיסּוּךְ דְּרֶגֶל: If a gentile touches wine it becomes forbidden, whether he touched it with his hand or his foot. This is in accordance with the ruling of the Rif, who omits the ruling of the Gemara here. The Rema, citing *Beit Yosef*, rules that if the gentile pours with his foot it does not render the wine forbidden, as this is not the normal method of pouring (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:12; *Shulḥan Arukh*, *Yoreh De'a* 124:11 and *Beur HaGra* there).

NOTES

Three Festivals – תְּלָתָא רִיגְלֵי: Rashi writes that it was customary to gather together on the Festivals to hear the lecture of the resident Torah scholar. Since this was an occasion on which the Sages gathered, it was an opportunity for Shmuel to ask them if anyone knew of a *baraita* that might clarify the matter.

BACKGROUND

Neharde'a – נְהַרְדְּעָא: This was a city on the Euphrates, near the Malka River, Neharde'a was one of the oldest Jewish communities in Babylonia. According to tradition, Jews lived in Neharde'a as early as the First Temple period, in the sixth century BCE, beginning with the exile of King Jehoiachin of Judea. Neharde'a was one of the most important Jewish communities in Babylonia. It was a center of Torah learning from an early period, and its yeshiva was the oldest in Babylonia. Many of the greatest *tanna'im* visited Neharde'a, among them Rabbi Akiva, who intercalated the calendar there (see *Yevamot* 122b). In Rav's time, the first half of the third century CE, the yeshiva in Neharde'a was headed by Rav Sheila, and then by Shmuel. Since the city lay near the border between the Roman and Persian Empires, it frequently suffered in the wars between the two, and Pappa ben Nazer Odonathus, king of Tadmor, destroyed it completely in 259 CE. Jews later resettled there, and many Torah scholars remained in Neharde'a even after its yeshiva relocated to Meḥoza and Pumbedita.



Location of Neharde'a

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דְּאִי מַשְׁכַּחְנָא תַּנָּא דְּאָסַר כְּרִבִּי נָתָן – אוֹסְרִינַיהוּ אֲפִילּוּ בַּהֲנָאָה; דְּתַנְיָא: מְדָדוֹ בֵּין בַּיָּד בֵּין בָּרֶגֶל – יִמָּכֵר. רַבִּי נָתָן אוֹמֵר: בַּיָּד – אָסוּר, בָּרֶגֶל – מוּתָּר;

I should delay my ruling, **as if I find a *tanna*[N] who prohibits** the wine **in accordance with** the opinion of **Rabbi Natan, I will prohibit even** deriving **benefit from it;** this is difficult. Rabbi Natan prohibits one from deriving benefit from wine that was touched by a gentile, **as it is taught** in a *baraita*: If a gentile **measured** a Jew's wine, **whether** he measured it **with** his **hand or with** his **foot,**[N] **it may be sold. Rabbi Natan says:** If he measured it **with** his **hand** it is **prohibited,** but if he measured it **with** his **foot** it is **permitted.**

אֵימַר דַּאֲמַר רַבִּי נָתָן – בַּיָּד, בָּרֶגֶל מִי אֲמַר? אֶלָּא דְּאִי מַשְׁכַּחְנָא תַּנָּא דְּשָׁרֵי כְּרַבִּי שִׁמְעוֹן, אִישְׁרְיֵיהּ אֲפִילּוּ בִּשְׁתָיָיה.

The Gemara explains why the suggestion that Shmuel delayed his ruling because of the opinion of Rabbi Natan is difficult: **Say that Rabbi Natan said** that the wine is forbidden when the gentile measured it **with** his **hand. Did he say** that the wine is forbidden if he measured it **with** his **foot? Rather,** Shmuel delayed ruling on the matter **because** he thought to himself: **If I find** another ***tanna* who permits** the wine **in accordance with** the opinion of **Rabbi Shimon,** who holds that if a gentile touches wine without intending to render it a libation, it is permitted, **I will permit** the wine **even for drinking.**

הַהוּא עוּבְדָּא דַּהֲוָה בְּבִירָם, דְּהַהוּא גּוֹי דַּהֲוָה קָא סָלֵיק בְּדִיקְלָא וַאֲיִיתִי לוּלְיָבָא, בַּהֲדֵי דְּקָא נָחֵית נָגַע בִּרֹאשָׁהּ דִּלּוּלְיָבָא בְּחַמְרָא שֶׁלֹּא בְּכַוָּונָה, שַׁרְיֵיהּ רַב לְזַבּוּנֵיהּ לְגוֹיִם.

There was a certain incident in Biram[B] **that** occurred as follows: There was **a certain gentile who was climbing a palm tree and he brought** down with him **a palm branch. While he was descending** from the tree **he unintentionally touched** some **wine with the tip of the palm branch.**[H] **Rav permitted** the owners **to sell** the wine **to gentiles.**

אֲמַרוּ לֵיהּ רַב כָּהֲנָא וְרַב אַסִי לְרַב, וְהָא מָר הוּא דַּאֲמַר: תִּינוֹק בֶּן יוֹמוֹ הוּא עוֹשֶׂה יַיִן נֶסֶךְ! אֲמַר לְהוּ: אֵימוּר דַּאֲמַרִי אֲנָא – בִּשְׁתָיָיה, בַּהֲנָאָה מִי אֲמַרִי?

Rav Kahana and Rav Asi said to Rav: But wasn't it you, **Master, who said:** If a gentile **baby** who is **one day old**[H] touches wine, **he renders** it **wine** used for **a libation,** even though he lacks any intent? Rav **said to them: Say that I said** that the baby renders the wine prohibited **for drinking. Did I say** that it is prohibited **to** derive **benefit** from it? It is therefore permitted to sell the wine.

גּוּפָא, אָמַר רַב: תִּינוֹק בֶּן יוֹמוֹ עוֹשֶׂה יַיִן נֶסֶךְ.

§ The Gemara cites Rav's statement in order to discuss **the** matter **itself: Rav says:** If a gentile **baby** who is **one day old** touches wine, **he renders** it **wine** used for **a libation,** even though he lacks any intent.

NOTES

As if I find a *tanna* – דְּאִי מַשְׁכַּחְנָא תַּנָּא: Shmuel was aware of the fact that there was a dispute between *tanna'im* with regard to this matter, but he did not know which opinion was ultimately accepted. He therefore investigated whether anyone knew of a *baraita* that ruled in accordance with one of the opinions, which could serve as a basis for accepting that opinion.

Whether he measured it with his hand or with his foot – מְדָדוֹ בֵּין בַּיָּד בֵּין בָּרֶגֶל: The gentile used his arm or leg as a measuring rod, immersing it into the wine in order to estimate the depth of the wine, without intending to thereby render the wine an idolatrous libation (Rashi).

BACKGROUND

Biram – בִּירָם: This city is also referred to in the Mishna as Beit Baltin. It was located west of the Euphrates River and a day's journey northwest of Pumbedita. It was one of the stations where torches were lit between Jerusalem and Babylonia to signal the beginning of a new month. This city is one of the earliest settled by Babylonian Jewry, and its residents were considered to be of pure lineage.

Location of Biram

HALAKHA

Touched wine with the tip of the palm branch – נָגַע בִּרֹאשָׁהּ דִּלּוּלְיָבָא: If a gentile touched wine by means of an item, such as the tip of a palm branch or the corner of his garment as he passed by, if the contact was unintentional, the wine is permitted, even for the purpose of drinking. The same *halakha* applies if he intended to touch the wine by means of an item, but did not realize that it was wine. This is in accordance with Rabbeinu Ḥananel's version of the Gemara, according to which Rav specifically deems the wine prohibited in a case where the gentile touched it directly.

The Rema writes that in the present gentiles are not considered to be idol worshippers, and in all cases their touching wine is analogous to an unintentional touch (Mordekhai). Therefore, if a gentile touched the wine by means of an item it remains permitted, even for drinking, despite the fact that he intended to touch it and realized that it was wine. So too, if he touched the wine directly, but did not intend to or did not realize that it was wine, it is permitted. The *Shakh* limits this leniency to a case of potential financial loss. This leniency should also not be publicized in the presence of an ignoramus (*Shulḥan Arukh*, *Yoreh De'a* 124:24).

Gentile baby who is one day old – תִּינוֹק בֶּן יוֹמוֹ: A newborn gentile, even if he is only one day old, who touched wine, renders it forbidden in terms of drinking, but one may still derive benefit from it. This is in accordance with the opinion of Rav. He is considered a newborn so long as he is unfamiliar with idol worship and its accessories (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:5; *Shulḥan Arukh*, *Yoreh De'a* 124:1).

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אֵיתִיבֵיהּ רַב שִׁימִי בַּר חִיָּיא לְרַב: הַלּוֹקֵחַ עֲבָדִים מִן הַגּוֹיִם שֶׁמָּלוּ וְלֹא טָבְלוּ, וְכֵן בְּנֵי הַשְׁפָחוֹת שֶׁמָּלוּ וְלֹא טָבְלוּ – רוּקָן וּמִדָּרָסָן בַּשּׁוּק טָמֵא, וְאָמְרִי לָהּ: טָהוֹר;

Rav Shimi bar Ḥiyya raised an objection to the statement of **Rav** from a *baraita*: With regard to **one who purchases from the gentiles slaves**[H] **who have been circumcised but have not immersed** in a ritual bath, **and also** with regard to **the sons of the** gentile **maidservants**[HN] **who** grew up in a Jew's home and **were circumcised but did not immerse** in a ritual bath, their conversion is not yet valid. They have the legal status of gentiles, who transmit impurity like a *zav*, a man who experiences a gonorrhea-like discharge. **Their spittle and objects upon which they tread,**[B] even if they are found **in the marketplace,**[N] are **ritually impure. But some say** that they are **ritually pure.**

יֵינָן – גְּדוֹלִים עוֹשִׂים יֵין נֶסֶךְ, קְטַנִּים אֵין עוֹשִׂים יֵין נֶסֶךְ. וְאֵלּוּ הֵן גְּדוֹלִים וְאֵלּוּ הֵן קְטַנִּים? גְּדוֹלִים – יוֹדְעִין בְּטִיב עֲבוֹדָה זָרָה וּמְשַׁמְּשֶׁיהָ, קְטַנִּים – אֵינָם יוֹדְעִין בְּטִיב עֲבוֹדָה זָרָה וּמְשַׁמְּשֶׁיהָ.

The *baraita* continues: With regard to **their wine,** the **adults render** the wine that they touch **wine** used for **a libation,** but the **minors do not render** the wine that they touch **wine** used for **a libation. And which** slaves **are** considered **adults, and which** slaves **are** considered **minors?** The **adults** are those who **know** the **nature of idol worship and its accessories,** and the **minors** are those who do **not know** the **nature of idol worship and its accessories.**

קָתָנֵי מִיהַת: גְּדוֹלִים אִין, קְטַנִּים לָא! תַּרְגְּמָהּ אַבְנֵי שְׁפָחוֹת.

In any event, the *baraita* **teaches** that with regard to **adults, yes,** the wine they touch is rendered prohibited, but with regard to **minors, no,** the wine they touch is not rendered prohibited. This contradicts the statement of Rav. The Gemara replies: **Interpret** the distinction between adults and minors as referring **to** the **sons of maidservants.** Since they were raised in a Jewish home, there is less reason for concern lest they render the wine an idolatrous libation, and therefore the Sages did not prohibit wine touched by minors. This distinction does not apply in the case of slaves that were purchased from gentiles.

הָא ״וְכֵן״ קָאָמַר! אַרוּקָן וּמִדָּרָסָן.

The Gemara asks: **Doesn't** the *baraita* **say** that the *halakha* applies to slaves purchased from gentiles **and also** to the sons of gentile maidservants, indicating that there is no differentiation between them? The Gemara replies: The *baraita* equates the two cases only **with regard to** the impurity of **their spittle and** of the **objects upon which they tread.**

הָנִיחָא לְמַאן דְּאָמַר טָמֵא, אֶלָּא לְמַאן דְּאָמַר טָהוֹר מַאי אִיכָּא לְמֵימַר?

The Gemara asks: **This works out well according to the one who says** that their spittle and the objects upon which they tread are **impure. But according to the one who says** that they are **pure, what can be said?** If the spittle of the slaves and the objects upon which they tread are pure, clearly the *halakha* is the same in the case of the sons of maidservants, and it is unnecessary to state this. One may therefore conclude that the *baraita* equated the two cases with regard to the status of the wine that they touch.

HALAKHA

One who purchases…slaves – הַלּוֹקֵחַ עֲבָדִים: The *Shakh* rules that slaves acquired from gentiles, who were circumcised but did not immerse, render wine that they touch prohibited in terms of deriving benefit from it, in accordance the Gemara here and the *Tosefta* (3:11). The Gra holds that it is prohibited only to drink from the wine, as is the *halakha* with regard to a convert who was circumcised but did not yet immerse. If these slaves were circumcised and already immersed, then wine that they touched is permitted, and one may drink it. This is the *halakha* even though they have not yet lived in accordance with the laws of the Torah, and the reference to idol worship has not yet vanished from their mouths. This is in accordance with the Gemara in rejecting the opinion of Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:5; *Shulḥan Arukh*, *Yoreh De'a* 124:3).

Sons of the maidservants – בְּנֵי הַשְׁפָחוֹת: With regard to sons of gentile maidservants who are born in a Jewish home and who were circumcised but did not immerse and have reached majority, if they touch wine, it is prohibited to drink it. According to the *Shakh* it is even prohibited to derive benefit from the wine. If they are still minors, the wine that they touch remains entirely permitted. This is in accordance with the opinion of Rav. The later commentaries (see *Shakh*, *Taz*, and Gra) ruled, based on the *Tosefta* (3:11), that this is the *halakha* even if they were not circumcised (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:6; *Shulḥan Arukh*, *Yoreh De'a* 124:4).

BACKGROUND

Objects upon which they tread – מִדָּרָסָן: One of the several ways in which a *zav* imparts ritual impurity is by treading, standing, sitting, lying, or leaning upon an item. In this case the item is rendered a primary source of ritual impurity, and it imparts ritual impurity to people or items that carry or touch it. Only items that are specifically intended for sitting or lying upon or otherwise being trod on can receive this status. Other items upon which the impure individual stands or sits become ritually impure, but these are considered only derivative sources of ritual impurity. Since the Sages decreed that a gentile imparts impurity like a *zav*, he imparts impurity also by treading upon an item.

NOTES

Sons of the maidservants – בְּנֵי הַשְׁפָחוֹת: The *baraita* is referring to gentile maidservants who did not immerse in a ritual bath and therefore remained gentiles. Consequently, their sons are also considered gentiles and require immersion. In the case of a Canaanite maidservant who immersed in a ritual bath, her son has the status of a Canaanite slave, and he does not require immersion (Rashi). Although the sons of the gentile maidservants have the status of gentiles, the Sages did not deem prohibited the wine that they touch while they are minors, as they grew up in a Jewish home and are not accustomed to engage in idol worship.

In the marketplace – בַּשּׁוּק: The *halakha* is that if there is uncertainty with regard to the presence of impurity, objects are not rendered impure in a public area, e.g., a marketplace. The *baraita* teaches that the spittle of these slaves and the objects upon which they tread are deemed impure even if found in the marketplace, demonstrating that the impure status of these substances is definite, not uncertain. With regard to the alternative version of the *baraita*, which maintains that their spittle and the objects upon which they tread are deemed pure if found in the marketplace, Rabbeinu Yeḥiel of Paris offers the following explanation: People in the marketplace are not necessarily aware of the legal status of these slaves and do not realize that it is necessary to avoid their impurity. Therefore, the Sages were lenient with regard to their impurity in the marketplace. By contrast, at home people are aware of their status and it is possible to be careful, and therefore the Sages decreed that their spittle and the objects upon which they tread are impure (see *Tosefot Rabbeinu Yeḥiel of Paris*).

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NOTES

This teaches us – הָא קָא מַשְׁמַע לָן: According to this explanation, the comparison between the slaves and the sons of the maidservants does, in fact, relate to the issue of the status of wine that they touch. The comparison is not in terms of whether minors have the same status as adults, as in terms of this issue they are different. The comparison is actually between the adult slaves and sons of maidservants, teaching that even in the case of slaves they render the wine prohibited only if they have not yet immersed.

הָא קָא מַשְׁמַע לָן: עֲבָדִים דּוּמְיָא דִּבְנֵי שְׁפָחוֹת, מַה בְּנֵי שְׁפָחוֹת – מָלוּ וְלֹא טָבְלוּ הוּא דְּעוֹשִׂין יֵין נֶסֶךְ, מָלוּ וְטָבְלוּ לָא – אַף עֲבָדִים כֵּן.

The Gemara replies: Even if the *baraita* is equating the two cases with regard to the status of the wine that they touch, it is not equating them with regard to the distinction between adults and minors. Rather, **this teaches us**[N] that the *halakha* with regard to **slaves** is **similar to** the *halakha* with regard to the **sons of maidservants. Just as** in the case of the **sons of maidservants, it is** only those who were **circumcised but did not immerse who render** the wine that they touch **wine** used for **a libation,** but those who were **circumcised and immersed** do **not; so too** in the case of **slaves,** once they have immersed in a ritual bath they do not render wine prohibited.

לְאַפּוֹקֵי מִדְּרַב נַחְמָן אָמַר שְׁמוּאֵל, דְּאָמַר רַב נַחְמָן אָמַר שְׁמוּאֵל: הַלּוֹקֵחַ עֲבָדִים מִן הַגּוֹיִם, אַף עַל פִּי שֶׁמָּלוּ וְטָבְלוּ – עוֹשִׂין יֵין נֶסֶךְ עַד שֶׁתִּשְׁכַּע עֲבוֹדָה זָרָה מִפִּיהֶם, קָא מַשְׁמַע לָן דְּלָא.

This *halakha* is **to the exclusion of that** which **Rav Naḥman** says that **Shmuel says, as Rav Naḥman says** that **Shmuel says:** In the case of **one who purchases slaves from the gentiles, even though** the slaves were **circumcised and immersed** in a ritual bath, they still **render** the wine that they touch **wine** used for **a libation,** as they are accustomed to idolatrous practices, **until** reference to **idol worship disappears from their mouths.** The *baraita* **teaches us that** their wine is **not** prohibited.

גּוּפָא, אָמַר רַב נַחְמָן אָמַר שְׁמוּאֵל: הַלּוֹקֵחַ עֲבָדִים מִן הַגּוֹיִם, אַף עַל פִּי שֶׁמָּלוּ וְטָבְלוּ – עוֹשִׂין יֵין נֶסֶךְ עַד שֶׁתִּשְׁכַּע עֲבוֹדָה זָרָה מִפִּיהֶם. וְכַמָּה? אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: עַד שְׁנֵים עָשָׂר חֹדֶשׁ.

§ The Gemara cites the aforementioned statement in order to discuss **the** matter **itself: Rav Naḥman says** that **Shmuel says:** In the case of **one who purchases slaves from the gentiles, even though** the slaves were **circumcised and immersed** in a ritual bath, they still **render** the wine that they touch **wine** used for **a libation,** as they are accustomed to idolatrous practices, **until** reference to **idol worship disappears from their mouths. And how much** time does this take? **Rabbi Yehoshua ben Levi says:** One does not assume that the slave has forgotten his idolatrous worship **until twelve months** have passed.

אֵיתִיבֵיהּ רַבָּה לְרַב נַחְמָן: הַלּוֹקֵחַ עֲבָדִים מִן הַגּוֹיִם שֶׁמָּלוּ וְלֹא טָבְלוּ, וְכֵן בְּנֵי הַשְּׁפָחוֹת שֶׁמָּלוּ וְלֹא טָבְלוּ – רוֹקָן וּמִדְרָסָן

Rabba raised an objection to Rav Naḥman from the aforementioned *baraita*: With regard to **one who purchases from the gentiles slaves that have been circumcised but have not immersed** in a ritual bath, **and also** with regard to **the sons of the** gentile **maidservants who** grew up in a Jew's home and **were circumcised but did not immerse** in a ritual bath, their conversion is not valid and they have the legal status of gentiles. **Their spittle and objects upon which they tread,**

Perek **IV**
Daf **57** Amud **b**

בַּשּׁוּק טָמֵא, וְאָמְרִי לָהּ: טָהוֹר; יֵינָן – גְּדוֹלִים עוֹשִׂין יֵין נֶסֶךְ, קְטַנִּים אֵין עוֹשִׂין יֵין נֶסֶךְ. אֵלּוּ הֵן גְּדוֹלִים וְאֵלּוּ הֵן קְטַנִּים? גְּדוֹלִים – שֶׁיּוֹדְעִין בְּטִיב עֲבוֹדָה זָרָה וּמְשַׁמְּשֶׁיהָ, קְטַנִּים – שֶׁאֵין יוֹדְעִין בְּטִיב עֲבוֹדָה זָרָה וּמְשַׁמְּשֶׁיהָ;

even if they are found **in the marketplace,** are **ritually impure. But some say** that they are **ritually pure.** With regard to **their wine,** the **adults render** the wine that they touch **wine** used for **a libation,** but the **minors do not render** the wine that they touch **wine** used for **a libation. Which** slaves **are** considered **adults, and which** slaves **are** considered **minors?** The **adults** are those **who know** the **nature of idol worship and its accessories,** and the **minors** are those **who do not know** the **nature of idol worship and its accessories.**

קָתָנֵי מִיהַת: מָלוּ וְלֹא טָבְלוּ – אִין, מָלוּ וְטָבְלוּ – לָא! תַּרְגְּמָהּ אַבְּנֵי שְׁפָחוֹת.

In any event, the *baraita* **teaches** that with regard to those slaves who **were circumcised but did not immerse, yes,** the wine they touch is prohibited, but with regard to those who were **circumcised and immersed, no,** the wine they touch is not prohibited, even if they have not yet forgotten their idolatrous worship. The Gemara replies: **Interpret** this *halakha* as referring only **to** the **sons of maidservants** who were raised in a Jewish home and never engaged in idolatrous worship, but not to slaves who were acquired from gentiles.

הָא ״וְכֵן״ קָתָנֵי! אַרוֹקָן וּמִדְרָסָן.

The Gemara asks: **Doesn't** the *baraita* **teach** that the *halakha* applies to slaves purchased from gentiles **and also** to the sons of gentile maidservants, indicating that there is no differentiation between them? The Gemara replies: The *baraita* equates the two cases only **with regard to** the impurity of **their spittle and** of the **objects upon which they tread.**

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הָנֵיחָא לְמַאן דְּאָמַר טָמֵא, אֶלָּא לְמַאן דְּאָמַר טָהוֹר מַאי אִיכָּא לְמֵימַר?

The Gemara asks: **This works out well according to the one who says** that their spittle and the objects upon which they tread are **impure. But according to the one who says** that they are **pure, what can be said?** If the spittle of the slaves and the objects upon which they tread are pure, clearly the same *halakha* applies in the case of the sons of maidservants, and it is unnecessary to state this. One may therefore conclude that the *baraita* equated the two cases with regard to the status of the wine that they touch.

הָא קָא מַשְׁמַע לָן: עֲבָדִים דּוּמְיָא דִּבְנֵי שִׁפְחוֹת, מַה בְּנֵי שִׁפְחוֹת – גְּדוֹלִים הוּא דְּעוֹשִׂין יַיִן נָסָךְ, קְטַנִּים אֵין עוֹשִׂין יַיִן נָסָךְ, אַף עֲבָדִים נַמִּי – גְּדוֹלִים עוֹשִׂין יַיִן נָסָךְ, קְטַנִּים אֵין עוֹשִׂין יַיִן נָסָךְ;

The Gemara answers: Even if the *baraita* equates the slaves and the sons of maidservants with regard to the status of their wine, it does not intend to compare their status once they have immersed. Rather, **this teaches us** that the *halakha* with regard to **slaves** is **similar to** the *halakha* with regard to the **sons of maidservants. Just as** in the case of the **sons of maidservants, it is** only the **adults who render** the wine that they touch **wine** used for **a libation,** but **minors do not render** the wine they touch **wine** used for **a libation, so too** in the case of **slaves,** the **adults render** the wine that they touch **wine** used for **a libation,** but **minors do not render** the wine they touch **wine** used for **a libation.**

לְאַפּוֹקֵי מִדְּרַב, דְּאָמַר רַב: תִּינוֹק בֶּן יוֹמוֹ עוֹשֶׂה יַיִן נָסָךְ, קָא מַשְׁמַע לָן דְּלָא.

This *halakha* is **to the exclusion of that which Rav** says, **as Rav says:** If a gentile **baby** who is **one day old** touches wine, **he renders** it **wine** used for **a libation.** The *baraita* **teaches us that** this is **not** the case.

הַהוּא עוּבְדָּא דַּהֲוָה בִּמְחוֹזָא, אֲתָא גּוֹי עַיֵּיל לַחֲנוּתָא דְּיִשְׂרָאֵל, אֲמַר לְהוּ: אִית לְכוּ חַמְרָא לְזַבּוּנֵי? אֲמַרוּ לֵיהּ: לָא. הֲוָה יָתֵיב חַמְרָא בְּדַוְוקָא, שָׁדֵי בֵּיהּ יָדֵיהּ שִׁיכְשֵׁךְ בֵּיהּ, אֲמַר לְהוּ: הַאי לָאו חַמְרָא הוּא? שְׁקֵלֵיהּ הָאֵיךְ בְּרִיתְחֵיהּ שָׁדְיֵיהּ לְדַנָּא.

§ The Gemara relates: **There was a certain incident in Meḥoza**[B] in which **a gentile came** and **entered the store of a Jew.** The gentile **said to** the owners: **Do you have** any **wine to sell?**[N] **They said to him: No. There was wine sitting in a bucket.** The gentile **put his hand in it** and **stirred** the wine around. The gentile **said to them: This, is it not wine? The other** person, i.e., the storeowner, **took** the bucket and, **in his anger, threw its** contents **into a barrel** of wine.[N]

שָׁדְיֵיהּ רָבָא לְזַבּוּנֵי לְגוֹיִם. אִיפְּלִיג עֲלֵיהּ רַב הוּנָא בַּר חִינָּנָא וְרַב הוּנָא בְּרֵיהּ דְּרַב נַחְמָן. נָפְקִי שִׁיפּוּרֵי דְּרָבָא וְשָׁרוּ, וְנָפְקִי שִׁיפּוּרֵי דְּרַב הוּנָא בַּר חִינָּנָא וְרַב הוּנָא בַּר רַב נַחְמָן וְאָסְרִי.

This incident raised a dilemma with regard to the status of the wine in the barrel. **Rava permitted** the owner **to sell** the wine **to gentiles,** as he held that it is permitted to derive benefit from the wine. **Rav Huna bar Ḥinnana and Rav Huna, son of Rav Naḥman, disagreed with him.** Blasts of ***shofarot* went out** from the court **of Rava** promulgating his ruling, **and they permitted** the sale. **And** blasts of ***shofarot* went out** from the court **of Rav Huna bar Ḥinnana and Rav Huna, son of Rav Naḥman,** promulgating their ruling, **and they prohibited** the sale.

Perek **IV**
Daf **58** Amud **a**

אִיקְלַע רַב הוּנָא בְּרֵיהּ דְּרַב נַחְמָן לִמְחוֹזָא, אֲמַר לֵיהּ רָבָא לְרַב אֲלִיקִים שַׁמָּעֵיהּ: טְרוֹק טְרוֹק גַּלֵּי, דְּלָא נֵיתוּ אֵינָשֵׁי דְּנִיטְרִיד.

Rav Huna, son of Rav Naḥman, happened to come **to Meḥoza. Rava said to his attendant, Rav Elyakim: Close, close the gates,**[N] so **that people who** might **disturb** us **should not come,** and we may focus on clarifying the matter.

BACKGROUND

Meḥoza – מְחוֹזָא: Meḥoza was a city on the Tigris River located near the Malka River. It was a large commercial city, most of whose inhabitants were Jews. Unlike the Jews of most other Jewish communities, the Jews in Meḥoza generally earned their living from commerce. Many Jews in Meḥoza were converts or immigrants from other countries. After Neharde'a was destroyed in 259 CE, many of the scholars from its yeshiva relocated to Meḥoza, which became a center for leading Torah scholars, including Rav Naḥman; Rav Sheshet; Rava, who later became head of the yeshiva in Meḥoza; Ameimar; and Rav Kahana, who was Rav Ashi's teacher. Rava regularly rebuked the people of the city for their self-indulgence, dishonesty, and lack of fear of God. After Abaye's death in approximately 340 CE, the yeshiva in Pumbedita, then headed by Rava, also relocated to Meḥoza for a period of time.

NOTES

Do you have wine to sell – אִית לְכוּ חַמְרָא לְזַבּוּנֵי: The Jewish owners did not want to sell the wine to the gentile. This may have been because they did not want him to touch their wine or vessels, or for some other reason. The gentile wanted to embarrass the owners and rebut them, and therefore he put his hand into the wine.

In his anger threw its contents into a barrel of wine – בְּרִיתְחֵיהּ שָׁדְיֵיהּ לְדַנָּא: The Jewish storeowner spilled the wine into the barrel in anger. He did not take into account that he thereby mixed the wine touched by the gentile into the contents of the barrel.

NOTES

Close, close the gates – טְרוֹק טְרוֹק גַּלֵּי: Rashi explains that when Rav Huna, son of Rav Naḥman, arrived, Rava had already retracted his ruling, due to Abaye's objections, as cited in the ensuing discussion. When Rava heard that Rav Huna, son of Rav Naḥman, had arrived, he decided that he did not wish to meet him, as he was embarrassed about his erroneous ruling. He therefore instructed his attendant to lock the gates, so that no one would enter, thereby preventing Rav Huna from meeting him (see Rashash). Nevertheless, Rav Huna managed to push his way in. *Tosafot* raise several objections to Rashi's explanation, and they suggest a different interpretation based on an alternative version of the text. According to another version of the text, accepted by *Tosafot*, it was Rav Naḥman who visited Meḥoza. Rav Naḥman was Rava's teacher, and Rava wished to clarify the matter with him. He therefore locked the gates to prevent people from disturbing Rav Naḥman with other matters, so that they could discuss the matter without interruption.

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עַל לְגַבֵּיהּ, אֲמַר לֵיהּ: כִּי הַאי גַּוְונָא מַאי? אֲמַר לֵיהּ: אָסוּר אֲפִילּוּ בַּהֲנָאָה. וְהָא מָר הוּא דַּאֲמַר: שִׁיבְשֵׁךְ אֵין עוֹשֶׂה יַיִן נֶסֶךְ! אֵימַר דַּאֲמַרִי אֲנָא – לְבַר מִדְּמֵיהּ דְּהַהוּא חַמְרָא, דְּמֵי דְּהַהוּא חַמְרָא מִי אֲמַרִי?

Rav Huna, son of Rav Naḥman, **entered into** Rava's presence. Rav Huna, son of Rav Naḥman, **said to** Rava: **What** is the *halakha* in **a case like this** where a gentile stirred the wine without intending to offer it as an idolatrous libation? Rava **said to** Rav Huna, son of Rav Naḥman: It is **prohibited even to** derive **benefit** from it.[H] Rav Huna, son of Rav Naḥman, asked him: **But wasn't it** you, **Master, who said:** If a gentile **stirs** the wine, he does **not** thereby **render** it **wine** used for **a libation,** as Rava permitted the sale of the wine in the barrel to gentiles? Rava answered: **Say that I said** that it is permitted to sell the wine that was in the barrel and benefit from all the proceeds **except for the monetary** value **of that** prohibited **wine**[N] that was poured into the barrel of wine. **Did I say** that it is permitted to derive benefit from **the monetary** value **of that** prohibited **wine?**

אֲמַר רָבָא: כִּי אֲתַאי לְפוּמְבְּדִיתָא, אַקְפָּן נַחְמָנִי שְׁמַעְתָּתָא וּמַתְנִיתָא דַּאֲסִיר;

Rava said: When I arrived at Pumbedita, Naḥmani, i.e., Abaye, **surrounded us** with amoraic **traditions and** with tannaitic sources cited in **a *baraita*** that indicate **that** in the case of wine that was stirred by a gentile it is **prohibited** even to derive benefit from the wine.

שְׁמַעְתָּתָא – דְּהַהוּא עוּבְדָּא דַּהֲוָה בִּנְהַרְדְּעָא וַאֲסַר שְׁמוּאֵל, בְּטִבְּרְיָא וַאֲסַר רַבִּי יוֹחָנָן. וַאֲמַרִי לֵיהּ: לְפִי שֶׁאֵינָן בְּנֵי תּוֹרָה. וַאֲמַר לִי: טִבְּרְיָא וּנְהַרְדְּעָא אֵינָן בְּנֵי תּוֹרָה, דְּמִחוֹזָא בְּנֵי תּוֹרָה?

Rava explains: Abaye cited amoraic **traditions, as there was a certain incident in Neharde'a** in which a gentile stirred the wine, **and Shmuel deemed** the wine **prohibited,** and there was a similar incident **in Tiberias and Rabbi Yoḥanan deemed** the wine **prohibited.** Rava recounts his reply: **And I said to** Abaye: Shmuel and Rabbi Yoḥanan deemed the wine prohibited only **because** the people in those towns were **not people** well-versed in **Torah,** and it was necessary to distance them from transgression. **And** Abaye **said to me:** Are you saying that the people of **Tiberias and Neharde'a** are **not people** well-versed in **Torah** whereas the people **of Meḥoza** are **people** well-versed in **Torah?**[B] This is obviously not the case, and therefore you should not have permitted the sale of the wine in Meḥoza, even according to your reasoning.

מַתְנִיתָא – דְּאַגַּרְדָּמִים גּוֹי שֶׁקָּדַח בְּמֵינָקֶת וְהֶעֱלָה, אוֹ שֶׁטָּעַם מִן הַכּוֹס וְהֶחֱזִירוֹ לָחָבִית, זֶה הָיָה מַעֲשֶׂה וַאֲסָרוּהוּ; מַאי לָאו בַּהֲנָאָה? לָא, בִּשְׁתִיָּה.

Abaye cited **a *baraita*** that teaches as follows: In the case **of a gentile market inspector** [*de'agardamim*][L] who was in charge of measures and prices in the marketplace, **who drilled** a hole in a barrel **with a tube**[HN] **and drew** wine from the barrel through the tube in order to taste it, **or who tasted** the wine **from the cup** that was poured for him **and** then **returned** the residue **to the barrel,**[N] what is the *halakha*? **This was an incident** that occurred, **and** the Sages **prohibited** the wine. Abaye said: **What** does this mean? **Is** the *baraita* **not** prohibiting one **from** deriving **benefit** from the wine? Rava replied: **No,** it is prohibiting one only **from drinking** it.

HALAKHA

Prohibited even to derive benefit from it – אָסוּר אֲפִילּוּ בַּהֲנָאָה: If a gentile entered a Jew's store and, while searching for wine, inserted his hand into wine and stirred it, it is prohibited to derive benefit from that wine. If that wine then was mixed into other wine, it is prohibited to derive benefit from the wine stirred by the gentile but the rest of the wine is permitted. Everyone agrees to this, as Rava retracted his original ruling (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 124:12).

Who drilled a hole in a barrel with a tube – שֶׁקָּדַח בְּמֵינָקֶת: If a gentile tastes wine, it is prohibited to derive benefit from the remaining wine. The *Shakh* notes that this is the *halakha* whether he drank directly from the barrel or whether he drank from a cup and then the Jew placed it in the barrel. This *halakha* applies even if the gentile sucked the wine through a tube. This is in accordance with the *baraita*. The current practice is to permit deriving benefit from the wine in a case involving potential monetary loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:15; *Shulḥan Arukh*, *Yoreh De'a* 124:11).

BACKGROUND

Tiberias, Neharde'a, and Meḥoza – טִבְּרְיָא וּנְהַרְדְּעָא וּמְחוֹזָא: Tiberias was a very important center of Torah study in Eretz Yisrael dating back to the days of Rabbi Yehuda HaNasi. The Sanhedrin was located there for many generations and, as a result, the entire city was a well-respected Torah center. Neharde'a was one of the oldest Jewish communities in Babylonia, a center of Torah study over the course of many generations, and home to many significant study halls, until its destruction resulting from war between the Roman and the Persian Empires. By contrast, Meḥoza was a large port city whose main occupation was commerce rather than Torah study. Its inhabitants were known for their wealth, rather than for their erudition. The location of Tiberias is shown in the map here. The locations of Neharde'a and Meḥoza are shown on the map on 56b.

Location of Tiberias in Eretz Yisrael

LANGUAGE

Market inspector [*agardamim*] – אַגַּרְדָּמִים: From the Greek ἀγορανόμος, *agoranomos*, or a related word. It refers to the official who was in charge of the marketplace. The inspector was responsible for supervising the accuracy of the measurements in the marketplace. It appears from some sources that he also fixed the prices of the various commodities (see *Bava Batra* 89a). This would explain why he needed to taste the wine: He had to check the quality of the wine in order to set its proper price

NOTES

Monetary value of that prohibited wine – דְּמֵי דְּהַהוּא חַמְרָא: The seller of the wine may derive benefit from all of the proceeds of the sale, with the exception of the money received for the prohibited wine, which must be destroyed. According to Rashi's interpretation, Rava should have said that he had retracted his ruling with regard to a case where a gentile stirred the wine, but he was embarrassed to admit his error. He therefore said that he had intended to permit only the rest of the wine that was in the barrel, although he had initially maintained that one may derive benefit from all of the wine. Conversely, the Ritva maintains that Rava never intended to permit the wine that the gentile had stirred, and he was merely clarifying his original intent.

According to the version of the text accepted by *Tosafot*, it is Rav Naḥman who is clarifying his ruling here. Rav Naḥman explains to Rava that Rava misunderstood his ruling, as he permits one to derive benefit only from the rest of the wine that was in the barrel, and not from the wine that was stirred by the gentile. Rav Naḥman taught that there is a difference between wine that was stirred by a gentile and wine that was actually poured by a gentile as a libation. When wine used for a libation is mixed into a barrel of wine, it renders the entire barrel prohibited, whereas wine that was stirred by a gentile does not render the rest of the barrel prohibited (see *Tosefot Rabbeinu Yeḥiel of Paris*).

Who drilled a hole in a barrel with a tube – שֶׁקָּדַח בְּמֵינָקֶת: Rashi explains that the gentile inspector drilled into the stopper of the barrel and inserted a tube in order to suck out some wine through the tube. *Tosafot* understand this to mean that the gentile rendered the wine prohibited when he inserted the tube, thereby touching the wine. They also cite Rashbam citing Rashi, who explains that a tube is placed in the barrel during the fermentation process so that the gases can escape. Afterward the tube is pushed into the barrel, which is then sealed (see Ra'avad). The gentile inspector drilled, thereby unsealing the opening of the tube. He then utilized it to suck out wine. Ra'avad explains that in the course of doing this it is inevitable that a drop of wine would fall from his mouth into the barrel and thereby render all of the wine prohibited, similar to the case of the cup discussed later in the Gemara. *Tosafot* cite such an explanation from the *Tosefta* (7:6).

And then returned the residue to the barrel – וְהֶחֱזִירוֹ לָחָבִית: Rashi explains that it was the gentile inspector himself who returned the wine to the barrel. It appears that he holds that this, i.e., the act of returning the wine, constitutes touching the wine. This is the basis for the proof against Rava, who deemed permitted wine that was touched by a gentile. *Tosafot*, the Ra'avad, and the Ramban maintain that it makes no difference whether a Jew or gentile returned it to the barrel. In any case the reason that the wine in the barrel is prohibited is because of the drop of wine that the gentile tasted that renders the entire mixture prohibited. This shows that it is prohibited to derive benefit from the wine that was tasted by the gentile, despite his having no intention of pouring it as a libation.

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אִי הָכִי, לִיתְנֵי: יְמַכֵּר, כִּדְקָתָנֵי סֵיפָא: חָרָם גּוֹי שֶׁהוֹשִׁיט יָדוֹ לְחָבִית, וּכְסָבוּר שֶׁל שֶׁמֶן הִיא וְנִמְצֵאת שֶׁל יַיִן, זֶה הָיָה מַעֲשֶׂה וְאָמְרוּ: יְמַכֵּר. תִּיּוּבְתָּא דְּרָבָא! תִּיּוּבְתָּא.

Abaye said: **If so, let** the *baraita* **teach** that the wine **may be sold, as the latter clause** of the *baraita* **teaches:** In the case of **a gentile confiscator**[N] **who extended his hand into a barrel** of wine, **thinking it was** a barrel **of oil,**[H] **and it was found** to be a barrel **of wine,** what is the *halakha*? **This was an incident** that occurred, **and** the Sages **said: It may be sold,**[N] as the gentile had no intention of touching wine. The Gemara concludes: **The refutation of** the opinion of **Rava**[N] is indeed **a conclusive refutation.**

רַבִּי יוֹחָנָן בֶּן אַרְזָא וְרַבִּי יוֹסֵי בֶּן נְהוֹרַאי הֲווּ יָתְבוּ וְקָא שָׁתוּ חַמְרָא, אֲתָא הַהוּא גַּבְרָא, אֲמַרוּ לֵיהּ: תָּא אַשְׁקִינַן. לְבָתַר דִּרְמָא לְכָסָא אִיגַּלַאי מִילְּתָא דְּגוֹי הוּא, חַד אֲסַר אֲפִילּוּ בַּהֲנָאָה, וְחַד שָׁרֵי אֲפִילּוּ בִּשְׁתָיָיה. אֲמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: מַאן דְּאָסַר שַׁפִּיר אָסַר, וּמַאן דְּשָׁרֵי שַׁפִּיר שָׁרֵי; מַאן דְּאָסַר

§ The Gemara relates: **Rabbi Yoḥanan ben Arza and Rabbi Yosei ben Nehorai were sitting and drinking wine. A certain man came** and **they said to him: Come, serve us drinks. After he poured** the wine **into the cup, it was revealed that** the person **was a gentile. One** of those Sages **prohibited** one from **even** deriving **benefit** from the wine, **and one** of them **permitted** the wine **even for drinking. Rabbi Yehoshua ben Levi said: The one who prohibited** the wine **properly** deemed it **prohibited, and the one who permitted** it **properly** deemed it **permitted,** as both opinions are viable. **The one who prohibited** the wine holds that

HALAKHA

Thinking it was a barrel of oil – כְּסָבוּר שֶׁל שֶׁמֶן הִיא: If a gentile touched wine unintentionally, e.g., he was under the impression that it was oil, it is permitted to derive benefit from that wine. The Rema adds that even if he realized that it is wine while his hand is still in the wine it is still permitted, as long as he removed his hand immediately. He also adds that in the present, since the gentiles are not idol worshippers and the wine that they touch has the status of wine that was touched unintentionally, wine that they touched is permitted even for drinking. The *Shakh* explains that this is referring to a case involving monetary loss. Although this is the *halakha*, it should not be publicized so that people will not make light of the matter (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:5; *Shulḥan Arukh*, *Yoreh De'a* 124:12, 19, and 24 in the comment of Rema).

NOTES

Confiscator [*ḥaram*] – חָרָם: The majority of commentaries explain that this refers to one who is able to forcibly take the property of others, whether by virtue of his authority or by force. He would prefer taking barrels of oil rather than wine when they were more valuable.

And the Sages said it may be sold – וְאָמְרוּ יְמַכֵּר: Since the gentile was not aware that it was wine, there is no concern at all that he intended to pour it as a libation. By contrast, in the cases where he tasted the wine knowingly the Sages decreed that one may not derive benefit from the wine. The same is true of the incident in which Rava initially permitted the wine in Meḥoza.

The refutation of the opinion of Rava – תִּיּוּבְתָּא דְּרָבָא: The Gemara rejects Rava's original ruling permitting one to derive benefit from the wine that was stirred by the gentile.

Perek **IV**
Daf **58** Amud **b**

מֵימַר אָמַר: סָלְקָא דַּעְתֵּיהּ דְּרַבָּנַן כִּי הָנֵי שִׁיכְרָא קָא שָׁתוּ? אֶלָּא וַדַּאי חַמְרָא הוּא, וְנַסְכֵיהּ; מַאן דְּשָׁרֵי שַׁפִּיר שָׁרֵי, מֵימַר אָמַר: סָלְקָא דַּעְתָּךְ דְּרַבָּנַן כִּי הָנֵי חַמְרָא קָא שָׁתוּ, וְאָמְרוּ לֵיהּ לְדִידִי "תָּא אַשְׁקִינַן"? אֶלָּא וַדַּאי שִׁיכְרָא הוּא קָא שָׁתוּ, וְלָא נַסְכֵיהּ.

the gentile **says** to himself: Can it **enter your mind that** great **Sages like these are drinking liquor** [***shikhra***]**?**[B] **Rather, this is certainly wine** that they are drinking, **and** therefore the gentile may have **poured it as a libation.**[N] Rabbi Yehoshua ben Levi continues to explain that **the one who deemed** the wine **permitted properly deemed** it **permitted,** as he holds that the gentile **says** to himself: Can it **enter your mind that** great **Rabbis like these are drinking wine and they say to me,** a gentile: **Come, serve us drinks? Rather, it is certainly liquor** that **they are drinking, and** therefore **he did not pour it as a libation.**

וְהָא קָא חָזֵי! בְּלֵילְיָא. וְהָא קָא מָרַח לֵיהּ! בְּחַדְתָּא.

The Gemara asks: **But doesn't** the gentile **see** whether it is wine or liquor? The Gemara answers: The incident occurred **at night.** The Gemara asks: **But doesn't** the gentile **smell it** and recognize that it is wine? The Gemara answers: This incident occurred **with new** wine, whose smell does not diffuse.

וְהָא קָא נָגַע בֵּיהּ בְּנִטְלָא, וְהָוֶה לֵיהּ מַגַּע גּוֹי שֶׁלֹּא בְּכַוָּונָה וְאָסוּר! לָא צְרִיכָא דְּקָא מוֹרִיק אוֹרוּקֵי, וְהָוֶה לֵיהּ כֹּחוֹ שֶׁלֹּא בְּכַוָּונָה, וְכָל כֹּחוֹ שֶׁלֹּא בְּכַוָּונָה לָא גָּזְרוּ בֵּיהּ רַבָּנַן.

The Gemara asks: **But didn't** the gentile **touch** the wine when he drew the wine **in the pail, and** therefore **it is** a case of **a gentile's unintentional touch,** which renders the wine **prohibited?** The Gemara replies: **No,** it was **necessary** to teach this *halakha* because the gentile **was pouring** from one vessel to another without touching the wine, **and** therefore **it was** a case where the wine was poured by **the force of** the gentile's action, **without** any **intention**[H] of offering it as a libation. **And** in **any** case where wine is poured by **force of** a gentile's action, **without** any **intention** of offering it as a libation, **the Sages did not issue a decree** prohibiting the wine, and it is permitted to drink it.

BACKGROUND

Liquor [*shikhra*] – שִׁיכְרָא: *Shikhra*, or *sheikhar*, was made from fermented fruit, particularly dates. It was much less expensive than wine and was considered an inferior beverage. Some Rabbis denigrated it as being unpleasant and even unhealthful.

NOTES

This is certainly wine, and the gentile may have poured it as a libation – וַדַּאי הַאי חַמְרָא הוּא וְנַסְכֵיהּ: Rashi explains that the Sages did not actually see him pour the wine as a libation. Yet, being that they did not supervise him, as they thought he was a Jew, there is a concern that perhaps he touched it and poured it as a libation. Other commentaries explain that the procedure for pouring wine as a libation is that the worshipper pours some of the wine from one vessel to another for the sake of idol worship. The concern is that perhaps the gentile poured the wine for the sake of idol worship, and it is therefore prohibited to derive benefit from the wine (see *Tosafot* and *Tosefot Rid*).

HALAKHA

The force of his action without intention – כֹּחוֹ שֶׁלֹּא בְּכַוָּונָה: Wine that flows as a consequence of a gentile's actions without his touching it directly is rendered prohibited only if the wine was poured intentionally. Therefore, if a gentile poured wine from one container to another thinking it was a different beverage, it is permitted to drink the wine. This is in accordance with the conclusion of the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:6; *Shulḥan Arukh*, *Yoreh De'a* 125:1).

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בָּעָא מִינֵּיהּ רַבִּי אַסִּי מֵרַבִּי יוֹחָנָן: יַיִן שֶׁמְּסָכוֹ גּוֹי, מַהוּ? אֲמַר לֵיהּ, וְאֵימָא: "מְזָגוֹ"! אֲמַר לֵיהּ, אֲנָא כִּדְכְתִיב קָאָמִינָא: "טָבְחָה טִבְחָהּ מָסְכָה יֵינָהּ". אֲמַר לֵיהּ: לְשׁוֹן תּוֹרָה לְעַצְמָהּ, לְשׁוֹן חֲכָמִים לְעַצְמָן.

§ **Rabbi Asi asked Rabbi Yoḥanan:** With regard to **wine that a gentile mixed** [*mesakho*][NH] with water, **what is** the *halakha*? Rabbi Yoḥanan **said to** Rabbi Asi: **And** why not **say:** Wine that a gentile **diluted** [*mezago*] with water, as that is the term that is usually used? Rabbi Asi **said to** Rabbi Yoḥanan: **I say** wine that was mixed, **as it is written: "She has prepared her meat, she has mixed** [*maskha*] **her wine"** (Proverbs 9:2). Rabbi Yoḥanan **said to** Rabbi Asi: While it is true that this is the language of the Bible, the **language of** the **Torah** is a language **in itself,**[L] and the **language of the Sages** is a language **in itself,** i.e., the terminology of the Bible is not the same as the terminology employed by the Sages.

מַאי? אֲמַר לֵיהּ: אָסוּר, מְשׁוּם "לֵךְ לְךָ, אָמְרִין נְזִירָא, סְחוֹר סְחוֹר, לְכַרְמָא לָא תִּקְרַב".

Rabbi Asi repeated his question: **What** is the *halakha*? Rabbi Yoḥanan **said to** Rabbi Asi: Although the gentile did not touch the wine when diluting it, it is **prohibited** by rabbinic decree **due to** the maxim: **Go, go, we say** to **a nazirite,** who is prohibited from drinking wine and eating grapes; **go around** and **go around,** but **do not come near to the vineyard.** Although a nazirite is prohibited only from eating produce of the vine, he is warned not even to come into the proximity of a vineyard as a protective measure to ensure that he will not transgress this prohibition. So too, in many cases, the Sages decreed certain items and actions to be prohibited because they understood that if people would use them, they would eventually transgress Torah prohibitions.

רַבִּי יִרְמְיָה אִיקְּלַע לְסַבְתָּא, חֲזָא חַמְרָא דְּמָזְגֵי גּוֹי וְאִישְׁתֵּי יִשְׂרָאֵל מִינֵּיהּ, וַאֲסַר לְהוּ, מְשׁוּם "לֵךְ לְךָ, אָמְרִין נְזִירָא, סְחוֹר סְחוֹר, לְכַרְמָא לָא תִּקְרַב". אִתְמַר נַמִּי: אָמַר רַבִּי יוֹחָנָן, וְאָמְרִי לָהּ אָמַר רַבִּי אַסִּי אָמַר רַבִּי יוֹחָנָן: יַיִן שֶׁמְּזָגוֹ גּוֹי – אָסוּר, מְשׁוּם "לֵךְ לְךָ, אָמְרִין נְזִירָא, סְחוֹר סְחוֹר, לְכַרְמָא לָא תִּקְרַב".

Rabbi Yirmeya happened to come **to Savta. He saw wine that a gentile diluted** with water **and** then **a Jew drank from it, and** Rabbi Yirmeya then **deemed** the wine **prohibited to them, due to** the maxim: **Go, go, we say** to **a nazirite, go around** and **go around,** but **do not come near to the vineyard. It was also stated: Rabbi Yoḥanan says, and some say** that **Rabbi Asi says** that **Rabbi Yoḥanan says: Wine that a gentile diluted** is **prohibited, due to** the maxim **Go, go, we say** to **a nazirite, go around** and **go around,** but **do not come near to the vineyard.**

רֵישׁ לָקִישׁ אִיקְּלַע לְבָצְרָה, חֲזָא יִשְׂרָאֵל דְּקָאָכְלִי פֵּירֵי דְּלָא מְעַשְּׂרִי וַאֲסַר לְהוּ, חֲזָא מַיָּא דְּסָגְדִי לְהוּ גּוֹיִם וְשָׁתוּ יִשְׂרָאֵל וַאֲסַר לְהוּ.

§ **Reish Lakish happened** to come **to Bozrah,**[B] a town east of the Jordan. **He saw Jews who were eating untithed produce and he deemed** the produce **prohibited to them.** He also **saw water to which gentiles bowed down and** yet **Jews drank** the water, **and he deemed** the water **prohibited to them.**

אֲתָא לְקַמֵּיהּ דְּרַבִּי יוֹחָנָן, אֲמַר לֵיהּ: אַדְּמִקְטוֹרָךְ עֲלָךְ זִיל הֲדַר, בְּצָר לָאו הַיְינוּ בָּצְרָה, וּמַיִם שֶׁל רַבִּים אֵין נֶאֱסָרִין.

Reish Lakish **came before Rabbi Yoḥanan** and told him about the incident. Rabbi Yoḥanan **said to** Reish Lakish: **While your coat** [*addemiktorakh*][L] is still **on you, go** and **retract** your rulings. This is because the town of **Bezer** which is mentioned among the cities of refuge (Deuteronomy 4:43) **is not** the same as **Bozrah.**[H] Bozrah is not part of Eretz Yisrael, and one is not obligated to separate tithes from its produce. The water is also permitted as it is water that belongs to the public, **and water that belongs to** the **public is not rendered prohibited.**

רַבִּי יוֹחָנָן לְטַעְמֵיהּ,

The Gemara notes that **Rabbi Yoḥanan** conforms **to his** standard line of **reasoning,**

NOTES

Wine that a gentile mixed – יַיִן שֶׁמְּסָכוֹ גּוֹי: Rashi explains that since the gentile did not touch the wine directly, and there was no intent of rendering the wine a libation, it is not prohibited to derive benefit from the wine. It is prohibited only to drink the wine, in order to distance one from actual sin.

LANGUAGE

The language of the Torah is a language in itself – לְשׁוֹן תּוֹרָה לְעַצְמָהּ: This opinion of Rabbi Yoḥanan, which is found elsewhere as well, is also held by modern scholars. The understanding is that the mishnaic Hebrew is essentially a different dialect than biblical Hebrew, by virtue of the significant differences between them. The differences include the many words that are included in one lexis and not the other, as well as differences in the meaning of various words that exist in both. Therefore, it is not appropriate for one who is speaking in mishnaic Hebrew to insert words in biblical Hebrew, unless he is citing a biblical text.

Your coat [*miktorakh*] – מִקְטוֹרָךְ: This refers to a garment known in the language of the Mishna as *miktoren*. Apparently from the Latin amictorium, meaning a garment which is thrown over a person, a light, loose garment, especially of women, a scarf, or a tie for the neck. The tradition of the commentaries is that it refers to a type of coat with an attached hood.

BACKGROUND

Bozrah – בָּצְרָה: This apparently refers to a city in northern Transjordan, in the Golan Heights, which was an important city and a center of commerce on the trade route that ran from the north to the south of Eretz Yisrael. In the time of Sages it served as the capital of Arabia. There was a Jewish population there over the course of many generations, and various Sages visited it. There is also another Bozrah, mentioned in the Bible and by the Sages, which is one of the cities of Edom.

Locations of Bezer and Bozrah

HALAKHA

Wine that a gentile mixed – יַיִן שֶׁמְּסָכוֹ גּוֹי: If a gentile threw water into wine with no intention of diluting wine, e.g., if he poured water into a large barrel or into a cup not knowing that it contained wine, it remains permitted to drink that wine. If he intended to dilute the wine, it is then prohibited to drink the wine. If the gentile's intent is unclear, the wine remains permitted, since it is an uncertainty with regard to the status of an item possibly prohibited by rabbinic law, and the principle is to be is lenient in such a circumstance. The *Shakh* adds that in localities where it is not the practice to dilute wine, the wine is permitted unless it is certain that the gentile's intention was to dilute wine (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:13; *Shulḥan Arukh*, *Yoreh De'a* 125:7).

Bezer is not the same as Bozrah – בָּצֶר לָאו הַיְינוּ בָּצְרָה: The *halakhot* of *teruma* and tithes apply by Torah law only in Eretz Yisrael, both when the Temple exists and when the Temple does not exist. The prophets instituted that these *halakhot* also apply in Babylonia, since it is close to Eretz Yisrael and there was much travel between the two countries. Early Sages added that these *halakhot* also apply in Egypt, Ammon, and Moab, as they border Eretz Yisrael. In Syria, these *halakhot* apply by rabbinic law. These *halakhot* do not apply at all in other lands. Even in those lands where the Sages applied these *halakhot*, they do not apply to vegetables. The *Shakh* explains that this is due to the fact that even in Eretz Yisrael the obligation to tithe vegetables is by rabbinic law, and therefore the Sages did not extend the obligation to other places (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 1:6; *Shulḥan Arukh*, *Yoreh De'a* 331:1, 14).

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דְּאָמַר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי שִׁמְעוֹן בֶּן יְהוֹצָדָק: מַיִם שֶׁל רַבִּים אֵין נֶאֱסָרִין. הָא דְּיָחִיד נֶאֱסָרִין.

as Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak: Water that belongs to the **public**[H] **is not rendered prohibited.** The Gemara infers that since water that belongs to the public is permitted, **therefore,** in a case where gentiles bow to water that is owned **by an individual** it is **rendered prohibited.**

וְתֵיפּוֹק לֵיהּ דְּהָא מְחוּבָּרִין נִינְהוּ! לָא צְרִיכָא, דְּתַלְשִׁינְהוּ גַּלָּא.

The Gemara challenges: **But** Rabbi Yoḥanan could **derive** that even water owned by an individual is permitted, **as** the water **is connected** to the ground, and worshipping an object that is connected to the ground does not render it prohibited. The Gemara explains: **No,** it is **necessary** to derive this *halakha* from the fact that the water belongs to the public in a case **where a wave** raised the water and **detached it** from the ground. In this case worshipping water owned by an individual would render it prohibited.

סוֹף סוֹף אַבְנֵי הַר שֶׁנִּדַּלְדְּלוּ נִינְהוּ; תִּסְתַּיֵּים דִּרְבִּי יוֹחָנָן דְּאָמַר: אֲסוּרוֹת?

The Gemara challenges: Nevertheless, the water **ultimately** falls into the category of objects that were detached without human involvement, such as **boulders of a mountain that dislodged** on their own. The Gemara (46a) cites a dispute between Rabbi Yoḥanan and the sons of Rabbi Ḥiyya with regard to boulders that dislodged without human involvement and were then worshipped, and does not conclude who deems the boulders permitted and who deems them prohibited. **May it be concluded** from Rabbi Yoḥanan's statement **that** it is **Rabbi Yoḥanan who says** that the boulders **are prohibited?**

לָא צְרִיכָא, דְּטַפְּחִינְהוּ בִּידֵיהּ.

The Gemara replies: **No,** even if Rabbi Yoḥanan deems the boulders permitted, his ruling with regard to the water is **necessary** in a case **where** one **struck** the water **with his hand** and thereby detached it. Since it was detached due to human involvement, if the water was owned by an individual it is prohibited.

רַבִּי חִיָּיא בַּר אַבָּא אִיקְלַע לְגַבְלָא, חֲזָא בְּנוֹת יִשְׂרָאֵל דְּמִיעַבְּרָן מִגּוֹיִם שְׁמָלוּ וְלֹא טָבְלוּ, חֲזָא חַמְרָא דְּמָזְגוּ גּוֹיִם וְשָׁתוּ יִשְׂרָאֵל, חֲזָא תּוּרְמוּסָא דְּשָׁלְקִי לְהוּ גּוֹיִם וְאָכְלִי יִשְׂרָאֵל, וְלָא אֲמַר לְהוּ וְלָא מִידֵּי;

§ **Rabbi Ḥiyya bar Abba happened** to come **to Gavla.**[B] **He saw Jewish women** there **who were impregnated by gentiles who** were in the process of converting and **were circumcised but had not** yet **immersed** in a ritual bath. **He** also **saw wine that gentiles diluted** with water **and Jews** then **drank** the wine. **He** also **saw lupines**[B] **that gentiles were cooking and Jews were eating. And** despite seeing all this, **he did not say anything to them** to correct their actions.

אֲתָא לְקַמֵּיהּ דְּרַבִּי יוֹחָנָן, אֲמַר לֵיהּ: צֵא וְהַכְרֵז עַל בְּנֵיהֶם שֶׁהֵן מַמְזֵרִים, וְעַל יֵינָן מִשּׁוּם יֵין נֶסֶךְ, וְעַל תּוּרְמוּסָן מִשּׁוּם בִּישׁוּלֵי גּוֹיִם, מִשּׁוּם שֶׁאֵינָן בְּנֵי תּוֹרָה.

Later, **he came before Rabbi Yoḥanan** and told him what he had seen. Rabbi Yoḥanan **said to him: Go and declare**[N] **about their children that they** have the status of **children born from an incestuous or adulterous relationship** [*mamzerim*]**. And** decree **with regard to their wine** that it is prohibited **as** an extension of the prohibition of **wine** used for **a libation. And with regard to their lupines** you should declare that they are forbidden **due to** the prohibition of **food cooked by gentiles, as they are not people** well-versed in **Torah,** and any leniency would be misunderstood and applied too extensively.

HALAKHA

Water that belongs to the public – מַיִם שֶׁל רַבִּים: Communal streams and springs are not rendered prohibited by being worshipped. This is in accordance the opinion of Rabbi Yoḥanan. See the commentaries on the Rambam and *Shulḥan Arukh* who clarify this ruling, which does not seem to accord with the conclusion of the Gemara (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:2; *Shulḥan Arukh*, *Yoreh De'a* 145:1).

BACKGROUND

Gavla – גַּבְלָא: This might refer to a city in the Lower Galilee, between Tiberias and Beit She'an, which, according to Josephus, was built by Herod. Some hold that it refers to the land of Seir (*Arukh*; see *Tosafot*). Others maintain that it refers to the city of Gabala, or Jableh, located on the coast of Syria, between Latakia and Tartus.

Lupines [*turmusa*] – תּוּרְמוּסָא: Lupine is the name of several plants from the legume family. The cultivated lupine, *Lupinus termis*, the Eretz Yisrael lupine, *Lupinus palaestinus*, and the yellow lupine, *Lupinus luteus*, are the most commonly grown kinds of lupine. The seeds of lupines are spherical, grow in pods, and are edible. In the case of the cultivated lupine, they can grow to a diameter of 15 mm. Due the presence of alkaloids, the natural taste of the seeds is extremely bitter. In order to prepare them for consumption one must cook or soak them repeatedly in water.

Lupine

NOTES

Go and declare – צֵא וְהַכְרֵז: Rabbi Ḥiyya bar Abba initially did not do so because other *amora'im* disagree with Rabbi Yoḥanan and hold that the offspring of a Jewish woman born from a gentile or Canaanite slave is considered a Jew of fit lineage. The *halakha* is in accordance with those other opinions. With regard to the wine and the lupines, Rabbi Ḥiyya bar Abba did not wish to deem them prohibited after the fact, as even according to Rabbi Yoḥanan they are prohibited only in order to distance one from an actual prohibition.

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עַל בְּנֵיהֶם שֶׁהֵם מַמְזֵרִים – רַבִּי יוֹחָנָן לְטַעְמֵיהּ, דְּאָמַר רַבִּי יוֹחָנָן: לְעוֹלָם אֵינוֹ גֵּר עַד שֶׁיִּמּוֹל וְיִטְבּוֹל, וְכֵיוָן דְּלָא טָבֵיל – גּוֹי הוּא, וְאָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: גּוֹי וְעֶבֶד הַבָּא עַל בַּת יִשְׂרָאֵל – הַוָּלָד מַמְזֵר.

The Gemara explains that with regard to declaring **about their children that they** have the status of ***mamzerim*, Rabbi Yoḥanan** conforms **to his** standard line of **reasoning** concerning two *halakhot*. The first is **as Rabbi Yoḥanan says:** One **is never** deemed to be **a convert until he has been circumcised and has immersed.**[H] **And since** the father **has not immersed, he is** still considered **a gentile. And** the second *halakha* is as **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** In the case of **a gentile or** a Canaanite **slave who engaged in intercourse with a Jewish woman,**[H] **the offspring is a *mamzer*.**

וּגְזוֹר עַל יֵינָם מִשּׁוּם יֵין נָסֵךְ – מִשּׁוּם ״לֵךְ לְךָ, אָמְרִין נְזִירָא, סְחוֹר סְחוֹר, לְכַרְמָא לָא תִּקְרַב״.

The Gemara continues to explain Rabbi Yoḥanan's second instruction to Rabbi Ḥiyya bar Abba: **And decree with regard to their wine** that it is prohibited **as** an extension of the prohibition of **wine** used for **a libation.** Although the gentile did not touch the wine when he diluted it, it is prohibited **due to** the maxim: **Go, go, we say** to **a nazirite; go around** and **go around,** but **do not come near to the vineyard.**

וְעַל תּוּרְמוּסָן מִשּׁוּם בִּישׁוּלֵי גּוֹיִם, לְפִי שֶׁאֵינָן בְּנֵי תוֹרָה. טַעְמָא דְּאֵינָן בְּנֵי תוֹרָה, הָא בְּנֵי תוֹרָה שָׁרֵי? וְהָאָמַר רַב שְׁמוּאֵל בַּר רַב יִצְחָק אָמַר רַב: כָּל שֶׁנֶּאֱכָל כְּמוֹת שֶׁהוּא חַי – אֵין בּוֹ מִשּׁוּם בִּישׁוּלֵי גּוֹיִם!

Lastly, Rabbi Yoḥanan instructed Rabbi Ḥiyya bar Abba to decree **with regard to their lupines** that they are forbidden **due to** the prohibition of **food cooked by gentiles, as they are not people** well-versed in **Torah.** The Gemara asks: **The reason** that the lupines are deemed prohibited is **because they are not people** well-versed in **Torah; but** in the case of **people** who are well-versed in **Torah,** one can infer that the lupines **are permitted. But doesn't Rav Shmuel bar Rav Yitzḥak say** that **Rav says: Anything that is eaten raw is not subject to** the prohibition of **food cooked by gentiles,** even when cooked by them? Lupines are not eaten raw due to their bitterness, and therefore they are subject to the prohibition of food cooked by gentiles.

רַבִּי יוֹחָנָן כִּי הַךְ לִישָּׁנָא סְבִירָא לֵיהּ, דְּאָמַר רַב שְׁמוּאֵל בַּר רַב יִצְחָק אָמַר רַב: כָּל שֶׁאֵינוֹ עוֹלֶה לְשׁוּלְחָן שֶׁל מְלָכִים לְלַפֵּת בּוֹ אֶת הַפַּת – אֵין בּוֹ מִשּׁוּם בִּישׁוּלֵי גּוֹיִם; טַעְמָא דְּאֵינָן בְּנֵי תוֹרָה, הָא בְּנֵי תוֹרָה – שָׁרֵי.

The Gemara answers: **Rabbi Yoḥanan holds in accordance with that** other **version** of Rav Shmuel bar Rav Yitzḥak's statement, **as Rav Shmuel bar Rav Yitzḥak says** that **Rav says: Anything that** lacks importance and therefore **does not appear on the table of kings** in order **to be eaten together with bread is not subject to** the prohibition of **food cooked by gentiles.** Lupines are not sufficiently important to be served on the table of kings, and therefore they are permitted even if cooked by gentiles. Consequently, **the reason** for prohibiting the residents of Gavla from eating them is **because they are not people** well-versed in **Torah. But** in the case of **people** well-versed in **Torah,** the lupines **are permitted.**

בָּעוּ מִינֵּיהּ מֵרַב כָּהֲנָא: גּוֹי מַהוּ שֶׁיּוֹלִיךְ עֲנָבִים לַגַּת? אָמַר לְהוּ: אָסוּר, מִשּׁוּם ״לֵךְ לְךָ, אָמְרִין נְזִירָא, סְחוֹר סְחוֹר, לְכַרְמָא לָא תִּקְרַב״. אֵיתִיבֵיהּ רַב יֵימָר לְרַב כָּהֲנָא: גּוֹי שֶׁהֵבִיא עֲנָבִים לַגַּת בְּסַלִּין

§ The Sages **asked Rav Kahana:** With regard to **a gentile, what is** the *halakha* concerning the following question: **May he bring grapes to the winepress**[N] without doing anything else to them? Rav Kahana **said to them:** It is **prohibited** by rabbinic decree **due to** the maxim: **Go, go, we say** to **a nazirite; go around** and **go around,** but **do not come near to the vineyard. Rav Yeimar raised an objection to Rav Kahana** from a *baraita*: With regard to **a gentile who brought grapes to the winepress**[H] **in baskets**

HALAKHA

One is never deemed to be a convert until he has been circumcised and has immersed – לְעוֹלָם אֵינוֹ גֵּר עַד שֶׁיִּמּוֹל וְיִטְבּוֹל: A gentile undergoing conversion is not considered a convert until he has both been circumcised and immersed in a ritual bath. This is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 13:6; *Shulḥan Arukh*, *Yoreh De'a* 268:1, 3).

A gentile or a slave who engaged in intercourse with a Jewish woman – גּוֹי וְעֶבֶד הַבָּא עַל בַּת יִשְׂרָאֵל: If a gentile or a Canaanite slave engaged in intercourse with a Jewish woman, whether she is married or single, the offspring is of fit lineage, except in terms of marrying a priest. This is in accordance with the conclusion of the Gemara (*Yevamot* 55b), and not in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 15:3; *Shulḥan Arukh*, *Even HaEzer* 4:19).

A gentile who brought grapes to the winepress – גּוֹי שֶׁהֵבִיא עֲנָבִים לַגַּת: If a gentile brought grapes to a winepress in containers and threw them into the wine that had been pressed there, the wine remains permitted after the fact, despite the fact that the containers also contained juice from the grapes. If a Jew assists the gentile in this process, the wine is permitted even *ab initio*. This is based on the explanation of the Ra'avad and in accordance with the rulings of the *baraita* and Rav Kahana (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:13; *Shulḥan Arukh*, *Yoreh De'a* 125:6).

NOTES

May he bring grapes to the winepress – שֶׁיּוֹלִיךְ עֲנָבִים לַגַּת: There are various explanations of this question. There are those who hold that since the gentile brings the grapes to the press, it is inevitable that they are partially crushed in the process, releasing some juice. The question is whether this liquid can be considered wine at this stage, such that it is rendered prohibited by the gentile's touching it (Rashbam; *Tosafot*). A difficulty with this explanation, already noted in *Tosafot*, is that it does not account for the mention of the winepress.

The Ramban, citing the Ra'avad, explains that the question concerns the dumping of the grapes and the accompanying juice into the winepress. The possible reason for the prohibition is that it appears as though the gentile is pouring wine.

The Ramban explains that it is referring to a case where there is already wine in the press. The concern is that the gentile will touch the wine in the course of placing the grapes into the wine. *Tosafot*, citing Rabbeinu Yitzḥak of Dampierre, explain along similar lines that there is wine in the winepress that already began to flow and may, therefore, be rendered prohibited by a gentile touching it, as explained earlier (55b). Therefore, the very placing of the grapes in the wine is comparable to the case of a gentile diluting the wine of a Jew, which renders it prohibited.

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וּבְדוֹדוֹרִין, אַף עַל פִּי שֶׁהַיַּיִן מְזַלֵּף עֲלֵיהֶן – מוּתָּר! אֲמַר לֵיהּ: הֲבֵיאּ קָאָמְרַתְּ? אֲנָא לְכַתְּחִלָּה קָאָמִינָא.

and in small barrels, even though the grapes are squashed in the process and **the wine,** i.e., the juice, **sprays**[N] **onto** the grapes, nevertheless they are **permitted.** Rav Kahana **said to** Rav Yeimar: **Are you saying** that this is the *halakha* where the gentile already **brought** the grapes? The *baraita* is discussing whether the grapes are prohibited after the fact, whereas **I am saying** that one should not permit a gentile to bring the grapes ***ab initio*.**

הַהוּא אֶתְרוֹגָא דְּנָפַל לְחָבִיתָא דְּחַמְרָא, אֵידְרֵי גּוֹי וּשְׁקַלֵיהּ, אֲמַר לְהוּ רַב אַשִׁי: נִקְטוּהָ לִידֵיהּ כִּי הֵיכִי דְּלָא לְשַׁכְשׁוֹךְ בֵּיהּ, וּבְרִצּוּהָ עַד דְּשַׁיְיפָא.

The Gemara relates: There was **a certain *etrog* that fell into a barrel of wine. A gentile jumped up** to **take it** out of the barrel, thereby unintentionally touching the wine. **Rav Ashi said to** the people standing there: **Hold his hand**[NH] still, **so that he does not stir** the wine and render it prohibited, **and tip** the barrel **until** the wine **is drained** into another vessel, and then he may take the *etrog*.

אָמַר רַב אַשִׁי: הַאי גּוֹי דְּנַסְכֵיהּ לְחַמְרָא דְּיִשְׂרָאֵל בְּכַוָּונָה, אַף עַל גַּב דְּלָזַבּוּנֵיהּ לְגּוֹי אַחֲרִינָא אָסוּר – שָׁרֵי לֵיהּ לְמִישְׁקַל דְּמֵיהּ מֵהַהוּא גּוֹי, מַאי טַעְמָא? מִיקָּלָא קַלְיֵיהּ.

§ **Rav Ashi says:** In the case of **this gentile who intentionally poured a Jew's wine as a libation** in order to render it prohibited, **even though** it is **prohibited to sell it to another gentile,** as one may not derive benefit from it, nevertheless, it **is permitted for him to collect its monetary** value[H] **from that gentile. What is the reason** for this? It is considered as though the gentile **burned** the wine and destroyed it, and he is required to pay for the damage.

אָמַר רַב אַשִׁי: מְנָא אָמִינָא לָהּ? דְּתַנְיָא: גּוֹי שֶׁנִּפֵּךְ יֵינוֹ שֶׁל יִשְׂרָאֵל שֶׁלֹּא בִּפְנֵי עֲבוֹדָה זָרָה – אָסוּר, וְרַבִּי יְהוּדָה בֶּן בָּבָא וְרַבִּי יְהוּדָה בֶּן בְּתֵירָא מַתִּירִין מִשּׁוּם שְׁנֵי דְּבָרִים: אֶחָד – שֶׁאֵין מְנַסְּכִין יַיִן אֶלָּא בִּפְנֵי עֲבוֹדָה זָרָה, וְאֶחָד – שֶׁאוֹמֵר לוֹ: לֹא כָּל הֵימֶנְךָ שֶׁתֶּאֱסוֹר יֵינִי לְאוֹנְסִי.

Rav Ashi says: From where do I say that this is the *halakha*? This *halakha* is derived **as it is taught** in a *baraita*: In the case of **a gentile who poured a Jew's wine as** an idolatrous **libation** but **not before** an object of **idol worship,** the wine is **prohibited, but Rabbi Yehuda ben Bava and Rabbi Yehuda ben Beteira deem** it **permitted due to two** factors: **One** is **that** idol worshippers **pour wine as** an idolatrous **libation only before** an object of **idol worship. And** the other **one** is **that** the Jew **says to** the gentile: It is **not in your** power **to render my wine prohibited against my will.** Rav Ashi rules in accordance with the opinion of the first *tanna*. Nevertheless, he derives from the reasoning of Rabbi Yehuda ben Bava and Rabbi Yehuda ben Beteira that one may collect compensation from the gentile, whose actions were against the will of the owner.

הָהִיא חָבִיתָא דְּחַמְרָא דְּאִישְׁתְּקִיל לְבַרְזָא, אֲתָא גּוֹי אִידְרֵי אַנַּח יְדֵיהּ עִילָּוֵיהּ, אֲמַר רַב פַּפָּא: כָּל דְּלַהֲדֵי בַּרְזָא – חַמְרָא אֲסִיר,

§ There was **a certain barrel of wine** from **which the stopper**[B] **had been removed** and the wine was spilling out. **A gentile came, jumped up,** and **placed his hand on** the hole to prevent the wine from leaking. **Rav Pappa said: Any wine that is adjacent** to **the stopper** is **prohibited,**[N] as it was touched by the gentile,

NOTES

The wine sprays – הַיַּיִן מְזַלֵּף: The meaning of this phrase is contingent on the different explanations of the question that the students asked Rav Kahana. Some explain the Gemara according to its straightforward meaning, that the juice that is squeezed from the grapes is not rendered prohibited by the gentile touching it. According to the explanations of the Rashbam and Ra'avad, the point is that it is not rendered prohibited by the gentile pouring it into the press. According to the Ramban it refers to the wine that is already in the winepress and has started to flow (see Ritva).

Hold his hand – נִקְטוּהָ לִידֵיהּ: Rashi explains that if the gentile were to pull his hands out he would inevitably stir the wine, which would render it prohibited, even with regard to deriving benefit. Merely touching it would render it prohibited to drink the wine (see 57a). Others hold that stirring the wine does not render it prohibited with regard to deriving benefit. Were that to be the case, it would have been rendered prohibited by his placing his hand in the wine, which also involves stirring. Rather, they maintain that it is the intentional touching of the wine that renders it prohibited. Here it was not prohibited by virtue of his putting his hand in the wine because he placed his hand in for another purpose, namely retrieving the *etrog*, despite the fact that he knew that it was wine. When he removes his hand and is no longer focused on another issue, it is considered intentional touching, which renders the wine prohibited (Ramban; see *Tosafot*).

Any wine that is adjacent to the stopper is prohibited – כָּל דְּלַהֲדֵי בַּרְזָא חַמְרָא אֲסִיר: The early commentaries differ as to the nature of this prohibition. Rashi holds that the wine is rendered prohibited to drink due to the gentile's touching it. There is no prohibition against deriving benefit from it, since the gentile's intention was only to preserve the wine, and there is no possibility of his having stirred the wine. Stirring would have prohibited it also with regard to deriving benefit, as it is a form of pouring the wine. Many commentaries maintain that, there is, in fact, a prohibition against deriving benefit from it.

HALAKHA

Hold his hand – נִקְטוּהָ לִידֵיהּ: If a gentile reached into a barrel of wine to retrieve an object from the barrel, and the Jews who were present grabbed his hand so that he would not stir the wine, and they opened the bottom of the barrel and drained the wine until the level of the wine drops to below his hand, it is permitted to derive benefit from the wine. This is in accordance with the ruling of Rav Ashi. The *Shakh* notes that in the present, it is permitted even to drink the wine, to avoid monetary loss, but one should not publicize this leniency (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:1; *Shulḥan Arukh*, *Yoreh De'a* 124:13, and in the comment of Rema).

Permitted for him to collect its monetary value – שָׁרֵי לֵיהּ לְמִישְׁקַל דְּמֵיהּ: If a gentile touched a Jew's wine against the Jew's will, the Jew may collect damages for the value of the wine, despite the fact that it is prohibited to derive benefit from the wine. Similarly, the gentile may sell the wine and give the proceeds to the Jew. This is also the *halakha* in a case where the gentile touched it unwittingly (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:28; *Shulḥan Arukh*, *Yoreh De'a* 132:1 and *Shakh* there).

BACKGROUND

Stopper – בַּרְזָא: Earthenware wine barrels had openings in their upper portion that were closed by means of a clay seal or plug. When a large quantity of wine was drunk at the same time, the seal was opened. If the intention was to pour only small amounts of wine from time to time, especially in the case of large barrels, a craftsman would bore a hole near the bottom of the barrel that would be plugged with a stopper, a cone-shaped piece of wood wrapped in cloth.

Earthenware barrel with a plug on top

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HALAKHA

But the other wine in the barrel is permitted – וְאִידָךְ שָׁרֵי: The Rambam rules that if there was a barrel that had a hole in its side and the stopper came out, and a gentile came and inserted his finger in order to prevent the wine from leaving the barrel, the wine that is between the top of the barrel and the hole is prohibited, and that which is below the hole is permitted even to drink. This is in accordance with the second version of Rav Pappa's statement. The Ra'avad disagrees and deems prohibited that which is above the hole even with regard to deriving benefit, and that which is below the hole with regard to drinking. This opinion is accepted by *Tur* and *Shulḥan Arukh*. The Rema adds that one may sell the entire barrel of wine, subtracting the value of the wine from which it is prohibited to derive benefit. In addition, he clarifies that the aforementioned *halakha* refers specifically to a case where there was a Jew present who could have prevented the wine from leaving the barrel and a gentile did so instead. But if there was no Jew present, then it is permitted to derive benefit from the wine. The *Shakh* notes that according to the common practice, it is permitted even to drink the wine in the case of potential monetary loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:10; *Shulḥan Arukh*, *Yoreh De'a* 124:23 and in the comment of Rema, and 124:14).

A gentile is pouring from the barrel and a Jew is holding the beaker – גּוֹי אַדַּנָּא וְיִשְׂרָאֵל אַכּוּבָּא: If a gentile poured wine from a vessel that he was holding into a vessel that a Jew was holding, it is prohibited to drink the wine that poured out. If a Jew poured wine from a vessel that he was holding into a vessel that a gentile was holding, it is permitted to drink the wine. If the gentile shook the vessel, the wine is prohibited. The Rema holds that the wine is prohibited only if the gentile picked the vessel up and shook it or poured from it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:2; *Shulḥan Arukh*, *Yoreh De'a* 124:18, 125:8 and *Shakh* there).

BACKGROUND

One who immersed that day – טְבוּל יוֹם: In most cases of ritual impurity the process of purification involves the two-step process of first immersing in a ritual bath, and then waiting until nightfall of the day of his immersion. During the period between immersion and nightfall, a certain measure of impurity remains. The *halakhot* pertaining to one's state of impurity during this time period are detailed in tractate *Tevul Yom*.

LANGUAGE

Beaker [*kuva*] – כּוּבָּא: The derivation of this word is apparently Semitic. It is similar to the Arabic word كوب, *kūb*, which refers to a vessel resembling a large cup without handles. It also bears some similarity to the Hebrew word *kuba'at* (see Isaiah 51:17).

Wine would be poured into this vessel from a barrel, and it was used to hold wine temporarily before serving and drinking it.

וְאִידָךְ שָׁרֵי. וְאִיכָּא דְּאָמְרִי, אָמַר רַב פַּפָּא: עַד הַבַּרְזָא חַמְרָא אָסִיר, וְאִידָךְ שָׁרֵי.

but the other wine in the barrel **is permitted.**[HN] **There are** those **who say** that **Rav Pappa said: The wine until the stopper,**[N] i.e., in the upper portion of the barrel, is **prohibited, but the other** wine in the barrel, below the stopper, is **permitted.**

אָמַר רַב יֵימָר, כְּתַנָּאֵי: חָבִית שֶׁנִּקְּבָה, בֵּין מִפִּיהָ בֵּין מִשּׁוּלֶיהָ וּבֵין מִצִּדָּיהָ, וְנָגַע בּוֹ טְבוּל יוֹם – טְמֵאָה; רַבִּי יְהוּדָה אוֹמֵר: מִפִּיהָ וּמִשּׁוּלֶיהָ – טְמֵאָה, מִצִּדָּיהָ – טְהוֹרָה מִכָּאן וּמִכָּאן.

Rav Yeimar says: Rav Pappa's ruling is **subject to** a dispute between ***tanna'im,*** as the mishna teaches (*Tevul Yom* 2:7): In the case of **a barrel that was pierced, whether on its top, on its bottom, or on** one of **its sides,** if **one who immersed that day**[B] **touched it,** it is **ritually impure. Rabbi Yehuda says:** If it was pierced **on its top or on its bottom,**[N] it is **impure.** If it was pierced **on** one of **its sides,** the wine is **pure,** whether it was touched **from here or from there,**[N] i.e., on either side. Only the wine that he touched is rendered impure. According to the first version of Rav Pappa's statement he holds in accordance with the opinion of Rabbi Yehuda.

אָמַר רַב פַּפָּא: גּוֹי אַדַּנָּא וְיִשְׂרָאֵל אַכּוּבָּא – חַמְרָא אָסִיר, מַאי טַעְמָא? כִּי קָאָתֵי – מִכַּח גּוֹי קָאָתֵי; יִשְׂרָאֵל אַדַּנָּא וְגּוֹי אַכּוּבָּא – חַמְרָא שָׁרֵי, וְאִי מְצַדֵּד צַדּוּדֵי – אָסִיר.

§ **Rav Pappa says:** In a case where **a gentile** is pouring the wine from **the barrel**[N] **and a Jew** is holding **the beaker** [***kuva***][HL] into which it is poured, **the wine** is **prohibited. What is the reason? When** the wine **comes** out of the barrel, **it comes** out **by force of the gentile's** action. In a case where **a Jew** is pouring the wine from **the barrel and a gentile** is holding **the beaker** into which it is poured, **the wine** is **permitted. But if** the gentile **tilts** the beaker **to the side,** the wine is **prohibited.**[N]

NOTES

But the other wine in the barrel is permitted – וְאִידָךְ שָׁרֵי: This is because the wine that the gentile touched was connected to the rest of the wine only from the side, and this is not considered a sufficient connection to render all the wine in the barrel prohibited. By contrast, when the hole is in the top or the bottom of the barrel, all the wine in the barrel is considered connected to the wine touched by the gentile (Rashi).

Until the stopper – עַד הַבַּרְזָא: The portion of the wine that is above the stopper, which would flow out of the hole, is certainly considered to be connected to the stopper and is therefore prohibited.

On its top or on its bottom – מִפִּיהָ וּמִשּׁוּלֶיהָ: Rashi explains that in the case of the hole in the top of the barrel, since the wine in the upper portion must necessarily rest on top of the wine in the lower portion, the wine is all considered connected. In the case of the hole in the bottom of the barrel, since the wine normally exits that way, all of the wine is considered to flow that way and to be connected. The dispute is with regard to the holes on the sides. The Ra'avad explains, based on the *Tosefta* (*Tevul Yom* 2:4), that even in terms of the hole on the top, the reasoning is that since the wine exits that way, the wine is viewed as flowing into the gentile's hand.

Pure from here or from there – טְהוֹרָה מִכָּאן וּמִכָּאן: Some explain that the barrel and the wine it contains are pure on all sides, except for the wine that is in the space of the hole itself (*Tosafot*) and the wine that he touched with his hand (Ra'avad).

A gentile is pouring wine from the barrel – גּוֹי אַדַּנָּא: Rashi explains that since the wine flows as a result of the gentile's force, the principle of: Go, go, we say to a nazirite, is applicable, as the Sages wanted the Jews to distance themselves from this wine. He also holds that even deriving benefit from the wine is prohibited. Other early commentaries hold that since it is clear that the gentile's intent is merely to pour the wine into the beaker, and the Jew was supervising him throughout, it is prohibited only to drink the wine, but it is permitted to derive benefit from it (Ritva; see early commentaries on 58b).

But if the gentile tilts the beaker to the side the wine is prohibited – וְאִי מְצַדֵּד צַדּוּדֵי אָסִיר: There are several explanations for this *halakha*. One, offered by Rashi, is that it is referring to a full beaker and the concern is that as a result of tilting the beaker, the gentile might touch the wine that is in it. Another explanation that he offers is that it is referring to a beaker that is not completely full, and the concern is that by tilting it the wine will be shaken in the beaker due to the gentile's intentional force, and that is like stirring, which is prohibited. This latter explanation is accepted by the Ramban. The Ra'avad holds that it is referring to where the barrel is resting on the beaker and therefore the gentile exercises control over the flow of the wine from the barrel. He therefore is considered to have a part in the pouring of the wine (see Ramban). Others hold that the concern is that perhaps in the course of tilting the beaker, the gentile might touch its walls to the stream of the wine, which constitutes touching by means of another object (Ramban).

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אָמַר רַב פַּפָּא: הַאי גּוֹי דְּדָרֵי זֵיקָא וְקָאָזֵיל יִשְׂרָאֵל אֲחוֹרֵיהּ, מַלְיָא שָׁרֵי – דְּלָא מְקָרְקֵשׁ, חֲסִירָא אָסִיר – דִּלְמָא מְקָרְקֵשׁ; כּוּבָּא, מַלְיָא אָסִיר – דִּלְמָא נָגַע, חֲסִירָא שָׁרֵי – דְּלָא נָגַע.

Rav Pappa says: In the case of **this gentile who carries** a sealed **wineskin and a Jew is walking behind him** and ensuring that the gentile does not touch the wine itself, the *halakha* depends on the circumstances. If the wineskin is **full,** the wine is **permitted, as** the wine in the wineskin **is not shaken.** If the wineskin is **incompletely** filled, the wine is **prohibited,** as **perhaps** the wine in the wineskin might have been **shaken** by the gentile, which would have the same *halakha* as wine poured as a libation. In the case of **a beaker,** which is open on top, if it is **full** the wine is **prohibited,**[H] as **perhaps** the gentile might have **touched** the wine. If the beaker is **incompletely** filled, the wine is **permitted,**[N] **as** the gentile **did not touch** the wine.

רַב אַשִׁי אָמַר: זֵיקָא, בֵּין מַלְיָא וּבֵין חֲסִירָא שָׁרֵי, מַאי טַעְמָא? אֵין דֶּרֶךְ נִיסּוּךְ בְּכָךְ.

Rav Ashi says: In the case of **a wineskin, whether** it is **full or incompletely** filled[H] it is **permitted. What is the reason** that the wine is permitted even if it is shaken within the wineskin? It is because **this is not the** typical **manner of offering a libation.**

מַעְצָרָא זֵירָא – רַב פַּפִּי שָׁרֵי, רַב אַשִׁי וְאִיתֵּימָא רַב שִׁימִי בַּר אַשִׁי אָסַר.

§ With regard to **a winepress**[N] where the grapes are pressed with beams, rather than trod by foot, **Rav Pappi deemed permitted** wine that is produced by a gentile, as the gentile does not touch the wine. **Rav Ashi, and some say** it was **Rav Shimi bar Ashi, deemed** the wine **prohibited.**

בְּכוֹחוֹ כּוּלֵי עָלְמָא לָא פְּלִיגִי דַּאֲסִיר, כִּי פְּלִיגִי – בְּכֹחַ כּוֹחוֹ. אִיכָּא דְּאָמְרִי: בְּכֹחַ כּוֹחוֹ כּוּלֵי עָלְמָא לָא פְּלִיגִי דְּשָׁרֵי, כִּי פְּלִיגִי – בְּכוֹחוֹ. הֲוָה עוּבְדָּא בְּכֹחַ כּוֹחוֹ, וַאֲסַר רַב יַעֲקֹב מִנְּהַר פְּקוֹד.

The Gemara comments: **In** a case where the wine is pressed by means of the gentile's direct **force**[H] **everyone agrees that** the wine is **prohibited. They disagree when** the wine is pressed by means of **a force** generated **by his force.**[NH] Conversely, **there are** those **who say** that **in** a case where the wine is pressed **by** means of **a force** generated **by** the gentile's **force everyone agrees that** the wine is **permitted. They disagree when** the wine is pressed by means of the gentile's direct **force.** The Gemara relates: **There was an incident in** which wine was pressed by means of **a force** generated **by** the gentile's **force, and Rav Yaakov from Nehar Pekod deemed** the wine **prohibited.**

הַהוּא חָבִיתָא

§ The Gemara relates: There was **a certain barrel**

NOTES

Incompletely filled is permitted – חֲסִירָא שָׁרֵי: Although the gentile shakes it, nevertheless it is permitted. This is because he does not want the wine to spill, and therefore it is considered a case of his force applied unintentionally (Rashi).

Winepress [*matzera zayera*] – מַעְצָרָא זֵירָא: Rashi explains that this is a winepress where grapes are pressed by means of a beam, similar to the method that was used in Rashi's locale. Rabbeinu Tam claims, based on the Gemara's description elsewhere, that beams were used not to press the grapes but rather to press the seeds after the grapes had already been trod, and that it is this process that is referred to here (*Sefer HaYashar*). The Ra'avad explains that this refers to a method of squeezing the grapes by placing boards on them and applying pressure. In this context, direct force means that the gentile stands on the boards. The concept of force generated by his force refers to where he applies pressure via a beam or similar means.

When the wine is pressed by means of a force generated by his force – בְּכֹחַ כּוֹחוֹ: Rashi explains that a force generated by the gentile's force refers to the use of a type of large screw in order to apply pressure upon the beam, whereas the use of direct force refers to a case where the gentile stands directly upon the beam (see Rabbeinu Tam in *Sefer HaYashar*).

HALAKHA

Full is prohibited – מַלְיָא אָסִיר: In a case where a gentile was carrying an open vessel containing wine with a Jew following him, if the vessel was not full and the gentile did not stir the wine, it is permitted to drink the wine. The Rema, citing Ra'avad and Rashba, holds that it is permitted even if he stirred the wine. If the vessel was full, then it is prohibited even to derive benefit from the wine, due to the concern that the gentile touched the wine. If a Jew supervised the gentile and saw to it that he did not touch the wine it is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:4; *Shulḥan Arukh*, *Yoreh De'a* 124:17, 125:10).

A wineskin whether it is full or incompletely filled – זֵיקָא בֵּין מַלְיָא וּבֵין חֲסִירָא: If a gentile transported a wineskin, holding its top in his hands, the wine is permitted whether or not the wineskin was full. Even if the wine is shaken in the wineskin, that does not render the wine prohibited since it is not the normal method of pouring. The *Shakh* notes that this *halakha* is referring to a case where the wineskin is closed (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:4; *Shulḥan Arukh*, *Yoreh De'a* 125:9).

His force – בְּכוֹחוֹ: If a gentile picked up a container of wine and poured it, the wine is prohibited, even if he did not agitate the wine. This is due to the fact that the wine flows as a result of his direct force. In this case everyone agrees that it is prohibited (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:2; *Shulḥan Arukh*, *Yoreh De'a* 125:1).

Force generated by his force – בְּכֹחַ כּוֹחוֹ: If wine was moved by means of a gentile's force it is prohibited, even if it was moved by a force generated by his force, as in the case of Rav Yaakov from Nehar Pekod. If it was moved by the force generated by the force generated by his force, meaning that there were three degrees of force involved, e.g., where there are boards, a wheel, and a beam, it is permitted even to drink the wine. The *Shakh* notes that this leniency applies specifically after the fact, but it is prohibited regardless of the number of forces involved *ab initio* (*Shulḥan Arukh*, *Yoreh De'a* 125:2).

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דְּאִיפַּקְעָה לְאוֹרְכָּהּ, אִידְּרֵי הַהוּא גּוֹי חַבְּקֵהּ, שַׁרְיֵיהּ רַפְרָם בַּר פַּפָּא וְאִי תֵּימָא רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ לְזַבּוּנֵי לְגוֹיִם. וְהָנֵי מִילֵּי דְּפָקְעָה לְאוֹרְכָּהּ, אֲבָל לְפוּתְיֵיהּ – אֲפִילּוּ בְּשִׁתְּיָה שָׁרֵי, מַאי טַעְמָא? מַעֲשֶׂה לְבֵינָה קָעֲבִיד.

that split lengthwise[H] from top to bottom, and **a certain gentile jumped up** and **encircled it** with his arms in order to prevent the wine from spilling. **Rafram bar Pappa, and some say** it was **Rav Huna, son of Rav Yehoshua, deemed it permitted to sell** the wine **to gentiles,**[N] as the wine was rendered prohibited only for drinking but not with regard to deriving benefit. The Gemara notes: **This statement** applies only in a case **where it split lengthwise. But** where the barrel split **widthwise** and the gentile held the top and bottom halves together, it is **permitted even for drinking. What is the reason** that the wine is permitted? The gentile **is** merely **performing the action of a brick**[N] by weighing the barrel down, and he is not doing anything to the wine.

הַהוּא גּוֹי דְּאִשְׁתַּכַּח דַּהֲוָה קָאֵי בְּמַעֲצַרְתָּא, אֲמַר רַב אַשִׁי: אִי אִיכָּא טוֹפֵחַ לְהַטְפֵּיהּ – בָּעֵי הֲדָחָה וּבָעֵי נִיגּוּב, וְאִי לָא – בַּהֲדָחָה בָּעְלְמָא סָגֵי לֵיהּ.

The Gemara relates: There was **a certain gentile who was found standing in a winepress.**[H] **Rav Ashi said: If there is** enough wine in the winepress that it is **moist** enough **to moisten**[N] other items, the winepress **requires rinsing and requires** a more thorough **cleansing,** as the Gemara will explain (74b). **But if** there is **not** enough wine to moisten other items, **merely rinsing is sufficient for it.**

מתני׳ נָכְרִי שֶׁנִּמְצָא עוֹמֵד בְּצַד הַבּוֹר שֶׁל יַיִן, אִם יֵשׁ לוֹ מְלָוֶה עָלָיו – אָסוּר, אֵין לוֹ מְלָוֶה עָלָיו – מוּתָּר.

MISHNA In the case of **a gentile who was found standing next to the wine** collection **vat,**[H] **if there is a loan** owed **by** the owner of the wine vat **to** the gentile, the wine is **prohibited.** Since the gentile maintains that he has a right to the owner's property he has no compunctions about touching the wine. But if **there is no loan** owed **by** the owner of the wine vat **to** the gentile, the wine is **permitted,** as it is assumed that the gentile did not touch the wine that was not his.

נָפַל לַבּוֹר וְעָלָה, מָדַדּוֹ בְּקָנֶה, הִתִּיז אֶת הַצְּרָעָה בְּקָנֶה, אוֹ שֶׁהָיָה מַטְפִּיחַ עַל פִּי חָבִית מְרוּתַּחַת – בְּכָל אֵלּוּ הָיָה מַעֲשֶׂה וְאָמְרוּ: יִמָּכֵר, וְרִבִּי שִׁמְעוֹן מַתִּיר. נָטַל אֶת הֶחָבִית וּזְרָקָהּ בַּחֲמָתוֹ לַבּוֹר – זֶה הָיָה מַעֲשֶׂה וְהִכְשִׁירוּ.

If a gentile **fell into the** wine collection **vat and emerged**[H] from it, or if **he measured** the wine in the winepress **with a pole**[HN] without touching it with his hands, or if **he cast a hornet** out of the wine **by** means of **a pole** and the pole touched the wine, **or where** the gentile **was removing the foam** that was **on** the **top of a fermenting barrel** of wine; **with regard to all these** cases **there was** such **an incident. And** the Sages **said** that the wine **may be sold** to gentiles, as it is permitted to derive benefit from the wine, but not to drink it. **And Rabbi Shimon deems** the wine **permitted** even for drinking. In a case where a gentile **took the barrel**[H] of wine **and threw it, in his anger, into the** wine collection **vat, this was an incident** that occurred **and** the Sages **deemed** the wine **fit**[N] for drinking.

HALAKHA

That split lengthwise – דְּאִיפַּקְעָה לְאוֹרְכָּהּ: If a barrel split lengthwise and a gentile came and held the two halves together, it is permitted to derive benefit from the wine, but it is prohibited to drink it. This is in accordance with the opinion of Rafram bar Pappa. If it split widthwise and the gentile applied pressure to the top of the barrel to prevent the wine from spilling out, then the wine is permitted, even with regard to drinking. This is because he is not touching or pushing the wine but is merely acting as a weight on the barrel. The *Shulḥan Arukh* notes, citing *Tosafot*, that the *halakhot* concerning this issue may depend on the manner in which the barrel is fashioned (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:8; *Shulḥan Arukh*, *Yoreh De'a* 124:22).

A certain gentile who was found standing in a winepress – הַהוּא גּוֹי דְּאִשְׁתַּכַּח דַּהֲוָה קָאֵי בְּמַעֲצַרְתָּא: If a gentile is discovered near a winepress and there is moisture there that is sufficient to moisten an item, then the entire winepress requires rinsing and a more thorough cleansing. If it is not that moist, it is sufficient to rinse it. This is in accordance with the opinion of Rav Ashi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:27; *Shulḥan Arukh*, *Yoreh De'a* 129:13).

Gentile who was found standing next to the wine collection vat – נָכְרִי שֶׁנִּמְצָא עוֹמֵד בְּצַד הַבּוֹר שֶׁל יַיִן: If a gentile was found standing next to a wine vat, the wine is prohibited if the gentile has a lien on the wine, since the gentile feels entitled to touch it. If the wine had one seal it is permitted after the fact (*Shakh*). If the gentile does not have a lien on this wine, even if the owner of the wine has a debt to this gentile and the debt already came due, and even if the gentile is within reach of the wine, the wine is permitted. This is due to the fact that he is aware that he will ruin the Jew's wine if he touches it. This is in accordance with the ruling of the mishna, as explained by Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:25; *Shulḥan Arukh*, *Yoreh De'a* 128:2).

Fell into the wine vat and emerged – נָפַל לַבּוֹר וְעָלָה: If a gentile fell into the wine vat and was removed dead, it is permitted to derive benefit from the wine but prohibited to drink it. If he emerged alive, it is also prohibited to derive benefit from it. This is in accordance with the mishna and the statement of Rav Pappa. The Rema, citing the Rashba, writes that it is similarly permitted to derive benefit from the wine in a case where a gentile tripped and rolled into the wine vat and then out again. The *Shakh* notes that if the gentile is found touching the wine after his accident has ended, it is prohibited to derive benefit from the wine (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 124:20).

Measured the wine in the winepress with a pole – מָדַדּוֹ בְּקָנֶה: If a gentile measured the wine in the vat with a pole, or if he slapped the top of the barrel to cause the fermentation to settle, or if he threw the barrel in anger, or if he removed a hornet from the wine using a pole, it is permitted to derive benefit from the wine but prohibited to drink it. This is in accordance with the opinion of the first *tanna*. The Rema, citing the Ra'avad, holds that in these cases it is permitted to derive benefit from the wine even if the gentile touched the wine. The *Shakh* notes that in the present, it is permitted even to drink the wine in a case of potential monetary loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 124:19, and in the comment of Rema).

Took the barrel – נָטַל אֶת הֶחָבִית: The Rambam holds that if a gentile threw a barrel into the wine vat in anger, it is permitted to derive benefit from the wine but prohibited to drink it. The Ra'avad and other early commentaries disagree and hold that it is permitted even to drink the wine, as appears from the mishna and the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 124:19, 125:5).

NOTES

To sell to gentiles – לְזַבּוֹנֵי לְגוֹיִם: It is prohibited to drink the wine, because this is considered a case of a gentile deliberately touching the wine by means of another object. Nevertheless, since the gentile did not stir or agitate the wine, it was permitted to derive benefit from it by selling it (Rashi).

Performing the action of a brick – מַעֲשֶׂה לְבֵינָה קָעֲבִיד: Since the two halves of the barrel had not separated from each other, the gentile was considered to be merely applying pressure to the top half in order to ensure that it continued to rest upon the bottom half of the barrel, and he was not considered to be touching the wine by means of the barrel (Rashi).

Moist enough to moisten – טוֹפֵחַ לְהַטְפֵּיהּ: This phrase is a standard measure of the level of moisture present. It refers to a situation where an item is sufficiently moist that if one were to touch it with his hand, his hand would become wet enough to make another item wet. A lesser degree of wetness is referred to as merely moist.

Measured the wine with a pole – מָדַדּוֹ בְּקָנֶה: Rashi explains that although the gentile touched the wine intentionally, there is a combination of two factors leading to leniency: First, there was specific purpose to his touching the wine. Second, he did not touch the wine directly. The Ra'avad and Rashba hold that in a case such as this, where it is clear that there was a specific purpose to his touching the wine, it is permitted whether or not he touched it directly. They maintain that the pole is mentioned only because the case in question happened to involve the use of a pole. A *baraita* (57a) seems to support their explanation. As a matter of practical *halakha*, they were stringent and prohibited drinking the wine.

This was an incident that occurred and they deemed the wine fit – זֶה הָיָה מַעֲשֶׂה וְהִכְשִׁירוּ: They permitted the wine even for drinking because the gentile did not touch the wine even indirectly.

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גמ׳ אָמַר שְׁמוּאֵל: וְהוּא שֶׁיֵּשׁ לוֹ מִלְוֶה עַל אוֹתוֹ יַיִן.

GEMARA The mishna teaches that in the case of a gentile who was found standing next to a wine collection vat, if the owner of the vat owes money to the gentile the wine is prohibited. **Shmuel says: And this** *halakha* applies only **when** the **loan** includes the qualification that the gentile **has** a lien **on that wine,** as only then does the gentile feel that he is entitled to touch the wine.

אֲמַר רַב אַשִׁי: מַתְנִיתִין נַמִּי דַּיְקָא, דְּתָנַן: הַמְטַהֵר יֵינוֹ שֶׁל נָכְרִי וְנוֹתְנוֹ בִּרְשׁוּתוֹ, וְהַלָּה כּוֹתֵב לוֹ: ״הִתְקַבַּלְתִּי מִמְּךָ מָעוֹת״ – מוּתָּר; אֲבָל אִם יִרְצֶה יִשְׂרָאֵל לְהוֹצִיאוֹ וְאֵין מַנִּיחוֹ עַד שֶׁיִּתֵּן לוֹ מְעוֹתָיו – זֶה הָיָה מַעֲשֶׂה בְּבֵית שְׁאָן וְאָסְרוּ;

Rav Ashi said: The wording of **the mishna is also precise** according to Shmuel's interpretation, **as we learned** in the following mishna (61a): In the case of a Jew **who renders the wine of a gentile permitted** by treading the gentile's grapes so that the wine can be sold to Jews, **and he** then **places** the wine **in** the gentile's **domain** until he sells it, the *halakha* depends on the circumstances. If **that one,** the gentile, **writes for** the Jew: **I received**[N] **money from you** in payment for the wine, even though he did not yet receive the actual payment, the wine is **permitted.** This is because the wine is considered the Jew's property and there is no reason to suppose that the gentile might touch it. **But** in a case **where the Jew desires to remove** the wine **and** the gentile **does not allow him** to do so **until** the Jew **gives him the money** due to **him, this was an incident** that occurred **in Beit She'an and** the Sages **deemed** the wine **prohibited.**

טַעְמָא דְּאֵין מַנִּיחוֹ, הָא מַנִּיחוֹ שָׁרֵי, שְׁמַע מִינָּה: מִלְוֶה עַל אוֹתוֹ יַיִן בָּעֵינַן, שְׁמַע מִינָּה.

Rav Ashi explains: **The reason** that the wine is prohibited is **that** the gentile **does not allow** the Jew to remove the wine, and therefore the gentile is considered to have some degree of ownership of the wine. **Therefore,** one can infer that if the gentile **allows him** to remove the wine, the wine is **permitted,** even though the Jew still owes him money. One may **conclude from** the mishna that in order for the wine to be prohibited **we require** the **loan** to include the qualification that the gentile has a lien **on that wine.** The Gemara affirms: One **may conclude** Shmuel's principle **from** the mishna.

״נָפַל לַבּוֹר וְעָלָה״. אָמַר רַב פַּפָּא: לֹא שָׁנוּ אֶלָּא שֶׁעָלָה מֵת, אֲבָל עָלָה חַי – אָסוּר. מַאי טַעְמָא? אָמַר רַב פַּפָּא: דְּדָמֵי עֲלֵיהּ כְּיוֹם אֵידָם.

§ The mishna teaches that if a gentile **fell into the** wine collection **vat and emerged,** it is not prohibited to derive benefit from the wine. **Rav Pappa says:** The Sages **taught** this *halakha* **only** in a case **where** the gentile **emerged** from the vat **dead. But** if he **emerged alive,** the wine is **prohibited.** The Gemara asks: **What is the reason** that the wine is prohibited? **Rav Pappa said: Since** the gentile was rescued from death, **he considers** that day **like their festival day,** and he offers the wine as an idolatrous libation in thanksgiving.

״מְדָדוֹ בְּקָנֶה וכו׳ כָּל אֵלּוּ הָיָה מַעֲשֶׂה וְאָמְרוּ: יָמֵךְ, וְרַבִּי שִׁמְעוֹן מַתִּיר״. אָמַר רַב אַדָּא בַּר אַהֲבָה: יָנוּחוּ לוֹ לְרַבִּי שִׁמְעוֹן בְּרָכוֹת עַל רֹאשׁוֹ, כְּשֶׁהוּא מַתִּיר – מַתִּיר אֲפִילּוּ בְּשִׁתְיָה, וּכְשֶׁהוּא אוֹסֵר – אוֹסֵר אֲפִילּוּ בַּהֲנָאָה.

§ The mishna teaches that if a gentile **measured** the wine in the winepress **with a pole,** or if he cast a hornet out of the wine by means of a pole, or if he removed the foam on top of a fermenting barrel of wine, with regard to **all these** cases **there was** such **an incident, and** the Sages **said** that the wine **may be sold** to gentiles but one may not drink it. **And Rabbi Shimon deems** the wine **permitted** even for drinking. **Rav Adda bar Ahava says: May blessings rest upon Rabbi Shimon's head,** as his reasoning is clear. **When he deems** the wine **permitted, he deems** it **permitted even with regard to drinking, and when he deems** the wine **prohibited, he deems** it **prohibited even with regard to** deriving **benefit** from it.

אָמַר רַב חִיָּיא בְּרֵיהּ דְּאַבָּא בַּר נַחְמָנִי אָמַר רַב חִסְדָּא אָמַר רַב, וְאָמְרִי לָהּ אָמַר רַב חִסְדָּא אָמַר זְעֵירִי: הֲלָכָה כְּרַבִּי שִׁמְעוֹן. אִיכָּא דְּאָמְרִי, אָמַר רַב חִסְדָּא: אֲמַר לִי אַבָּא בַּר חָנָן, הָכִי אָמַר זְעֵירִי: הֲלָכָה כְּרַבִּי שִׁמְעוֹן. וְאֵין הֲלָכָה כְּרַבִּי שִׁמְעוֹן.

Rav Ḥiyya, son of Abba bar Naḥmani, says that **Rav Ḥisda says** that **Rav says, and some say** that **Rav Ḥisda says** that **Ze'eiri says:** The *halakha* is **in accordance with** the opinion of **Rabbi Shimon. There are** those **who say** that **Rav Ḥisda says: Abba bar Ḥanan said to me: This** is what **Ze'eiri says:** The ***halakha*** is **in accordance with** the opinion of **Rabbi Shimon.** Despite this, the Gemara concludes: **But** the ***halakha*** is **not in accordance with** the opinion of **Rabbi Shimon.**

NOTES

That one writes for the Jew: I received – וְהַלָּה כּוֹתֵב לוֹ הִתְקַבַּלְתִּי: This does not mean that the gentile actually received the money, as then the wine would belong to the Jew in every sense. Rather, the gentile wrote this statement, indicating that he no longer had a lien on the wine. This mishna demonstrates the principle taught by Shmuel that if the gentile released his lien on the wine, he is considered to no longer have any control over it, and there is no concern lest he touch the wine even if the Jew still owes him money.

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BACKGROUND

Zav **– זָב:** A *zav* is a man who experiences a gonorrhea-like discharge. The *halakhot* relating to the severe ritual impurity caused by this condition are detailed in the Torah (see Leviticus 15:1–15) and in tractate *Zavim*. The *zav* becomes ritually impure as a result of the secretion of a white, pus-like discharge from his penis. A man who experiences a discharge of this kind on one occasion becomes ritually impure for only one day, and his status is equivalent to that of a man who experienced a normal seminal discharge. If he experiences a second discharge on the same day or the following day, or a prolonged initial discharge, he contracts the more severe ritual impurity of a *zav*, which lasts seven days. If he experiences a third discharge within the next twenty-four hours, he is also obligated to bring an offering as part of his purification process. A *zav* transmits impurity in many different ways: By touching or otherwise coming into contact with objects or people; by moving a vessel or a person even without touching them; by being moved by another person; and by lying or sitting or standing on an object intended for that purpose. Furthermore, his bodily fluids, i.e., his spittle, urine, and semen, also impart ritual impurity.

HALAKHA

Any form of contact through which a *zav* renders an object ritually impure – כָּל שֶׁבְּזָב טָמֵא: If a gentile threw an object into wine, it is permitted even to drink the wine. This is in accordance with the statement of Rav Ashi. The Rif and Rambam omit this *halakha*. The Ramban explains that this is because Rav Ashi's ruling is based on the assumption that even the gentile's direct force is permitted, and that is not the accepted *halakha* (*Shulḥan Arukh*, *Yoreh De'a* 125:5).

"נָטַל חָבִית וּזְרָקָהּ [בַּחֲמָתוֹ] לַבּוֹר, זֶה הָיָה מַעֲשֶׂה [וְהִכְשִׁירוּ]". אָמַר רַב אַשִׁי: כָּל שֶׁבְּזָב טָמֵא – בְּגוֹי עוֹשֶׂה יַיִן נָסֵךְ, כָּל שֶׁבְּזָב טָהוֹר – בְּגוֹי אֵינוֹ עוֹשֶׂה יַיִן נָסֵךְ.

§ The mishna teaches: With regard to the case where a gentile **took a barrel** of wine **and threw it, in his anger, into the** wine collection **vat, this was an incident** that occurred **and** the Sages **deemed** the wine **fit** for drinking. **Rav Ashi says:** With regard to **any** form of contact **through which a *zav*** [B] renders an object **ritually impure,** [HN] **in** a case where **a gentile** has that same type of contact with wine, he **renders** it **wine** used for **a libation.** In the case of **any** form of contact **through which a *zav*** does not transmit ritual impurity, leaving an object **ritually pure, a gentile does not render** the wine with which he has contact **wine** used for **a libation.**

אֵיתִיבֵיהּ רַב הוּנָא לְרַב אַשִׁי: נָטַל אֶת הֶחָבִית וּזְרָקָהּ בַּחֲמָתוֹ לַבּוֹר, זֶה הָיָה מַעֲשֶׂה בְּבֵית שְׁאָן וְהִכְשִׁירוּ; בַּחֲמָתוֹ – אִין, שֶׁלֹּא בַּחֲמָתוֹ – לָא!

Rav Huna raised an objection to Rav Ashi from the mishna: With regard to the case where a gentile **took the barrel** of wine **and threw it, in his anger, into the** wine collection **vat, this was an incident** that occurred **in Beit She'an and** the Sages **deemed** the wine **fit** for drinking. One may infer that if the gentile threw the wine **in his anger, yes,** it is permitted. But if it was **not in his anger** the wine is **not** permitted, even though in the case of a *zav*, if he threw an object at a vessel, it does not render the vessel impure.

NOTES

Any form of contact through which a *zav* renders an object ritually impure – כָּל שֶׁבְּזָב טָמֵא: The commentaries note that this is not a principle that is true without exception, as there are forms of contact whereby a *zav* renders an object ritually impure, but a gentile does not render wine prohibited. For example, if a *zav* moves a sealed vessel, he renders it impure, but a gentile does not render the wine inside such a vessel prohibited if he moves it (Rashi). Furthermore, there are instances where a *zav* does not render a liquid impure by touching it with a pole, whereas a gentile renders the wine prohibited (*Tosafot*). Rav Ashi's principle refers only to any form of contact by touch through which a *zav* renders an object ritually impure (Rashi). The intent of Rav Ashi's principle is merely to exclude a case where a gentile throws an object into the wine, since a *zav* does not render a vessel impure by throwing an object at it.

Perek **IV**
Daf **61** Amud **a**

הָתָם דְּקָאָזֵיל מִינֵּיהּ וּמִינֵּיהּ.

Rav Ashi replied: **There,** the mishna is referring to a case **where** the barrel is not actually thrown. Rather, **it is propelled by** the gentile, **and** again propelled **by him,** [H] until it reaches the vat. Therefore, if the gentile did so not in anger, there is reason to be concerned that he might have touched the wine.

מתני׳ הַמְטַהֵר יֵינוֹ שֶׁל נָכְרִי, וְנוֹתְנוֹ בִּרְשׁוּתוֹ (ו)בְּבֵית הַפָּתוּחַ לִרְשׁוּת הָרַבִּים, בְּעִיר שֶׁיֵּשׁ בָּהּ גּוֹיִם וְיִשְׂרְאֵלִים – מוּתָּר, בְּעִיר שֶׁכּוּלָּהּ גּוֹיִם – אָסוּר, עַד שֶׁיֵּשֵׁב וּמְשַׁמֵּר.

MISHNA In the case of a Jew **who renders the wine of a gentile permitted** by treading the gentile's grapes so that the wine can be sold to Jews, **and** although a Jew has not yet paid for the wine **he** then **places** the wine **in** the gentile's **domain in a house that is open to a public thoroughfare** until he sells it, the *halakha* depends on the circumstances. If this occurs **in a city in which there are** both **gentiles and Jews,** the wine is **permitted,** as the gentile does not touch the wine lest the Jews see him doing so. If this occurs **in a city** in **which all its** inhabitants are **gentiles,** the wine is **prohibited unless** a Jew **sits and safeguards** the wine.

וְאֵין הַשּׁוֹמֵר צָרִיךְ לִהְיוֹת יוֹשֵׁב וּמְשַׁמֵּר, אַף עַל פִּי שֶׁהוּא יוֹצֵא וְנִכְנָס – מוּתָּר. רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: רְשׁוּת גּוֹיִם אַחַת הִיא.

But the watchman is not required to sit and guard the wine constantly; **even if he** frequently **leaves** the place **and comes in** again later, the wine is **permitted. Rabbi Shimon ben Elazar says:** The **domain of gentiles is** all **one,** as the Gemara will explain.

HALAKHA

Propelled by him, and again by him – קָאָזֵיל מִינֵּיהּ וּמִינֵּיהּ: If a gentile rolled an object, causing it to fall into a wine vat, it is prohibited to derive benefit from the wine. If he rolled it in anger, then it is permitted even to drink it. This is in accordance with the conclusion of the Gemara. The Rambam holds that even in the latter case, it is permitted only to derive benefit (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 125:5, and see 124:19 and *Shakh* there).

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הַמְטַהֵר יֵינוֹ שֶׁל נָכְרִי וְנוֹתְנוֹ בִּרְשׁוּתוֹ, וְהַלָּה כּוֹתֵב לוֹ: ״הִתְקַבַּלְתִּי מִמְּךָ מָעוֹת״ – מוּתָּר; אֲבָל אִם יִרְצֶה יִשְׂרָאֵל לְהוֹצִיא וְאֵינוֹ מַנִּיחוֹ עַד שֶׁיִּתֵּן לוֹ אֶת מְעוֹתָיו, זֶה הָיָה מַעֲשֶׂה בְּבֵית שְׁאָן וְאָסְרוּ.

In the case of a Jew **who renders the wine of a gentile permitted**[H] by treading the gentile's grapes so that the wine can be sold to Jews, **and he** then **places** the wine **in** the gentile's **domain** until he sells it, the *halakha* depends on the circumstances. If **that one,** the gentile, **writes for** the Jew: **I received**[H] **money from you** in payment for the wine, even though he did not yet receive the actual payment, the wine is **permitted.** This is because the wine is considered the Jew's property and the gentile does not venture to touch it. **But if the Jew desires**[N] **to remove** the wine **and** the gentile **does not allow him** to do so **until** the Jew **gives him the money** due to **him, this was an incident** that occurred **in Beit She'an and** the Sages **deemed** the wine **prohibited.** In this case the gentile believes that he has a lien upon the wine, and therefore he has no compunctions about touching it.

גמ׳ בְּעִיר שֶׁכּוּלָּהּ גּוֹיִם נַמִּי, וְהָאֵיכָּא רוֹכְלִין הַמַּחֲזִירִין בָּעֲיָירוֹת! אָמַר שְׁמוּאֵל: בְּעִיר שֶׁיֵּשׁ לָהּ דְּלָתַיִם וּבְרִיחַ.

GEMARA The Gemara questions the mishna's distinction between a city with Jewish inhabitants and a city without Jewish inhabitants: The wine should **also** be permitted **in a city** in **which all its** inhabitants are **gentiles,** as **aren't there** Jewish **peddlers**[H] **who travel around the** various **towns?** Consequently, the gentile refrains from touching the wine, lest the Jewish peddlers see him touching it. **Shmuel says:** The mishna is referring **to a city that has double doors and a crossbar,** and the residents know when outsiders enter the city.

אָמַר רַב יוֹסֵף: וְחַלּוֹן כִּרְשׁוּת הָרַבִּים דָּמֵי, וְאַשְׁפָּה כִּרְשׁוּת הָרַבִּים דָּמֵי, וְדִיקְלָא כִּרְשׁוּת הָרַבִּים דָּמֵי.

With regard to the mishna's statement that the wine is permitted only if the gentile's house is open to a public thoroughfare, **Rav Yosef says: And** if a Jew's **window** is open to that place it is **considered like a public thoroughfare.**[N] **And** similarly, **a trash heap** is **considered like a public thoroughfare** as many people frequent it, **and a palm tree** is **considered like a public thoroughfare,**[H] as the gentile is concerned lest someone climbing the palm tree see him.

פְּסִיק רֵישֵׁיהּ – פְּלִיגִי בָּהּ רַב אַחָא וְרָבִינָא, חַד אָמַר, וְחַד שָׁרֵי; מַאן דְּאָמַר – לָמָּה לֵיהּ דְּסָלֵיק הָתָם; וּמַאן דְּשָׁרֵי – זִימְנָא דְּאָבְדָה לֵיהּ בְּהֵמָה וְסָלֵיק לְעַיּוֹנֵי בַּתָּרָהּ.

With regard to a case where **the top** of the palm tree **was cut off,**[B] **Rav Aḥa and Ravina disagree: One** of them **deems** the wine **prohibited and one** of them **deems** it **permitted.** The Gemara explains: **The one who deems** the wine **prohibited** holds that since no fruit grows on the palm tree, **why would** someone **climb up there?** The gentile therefore has no reason for concern lest someone see him, and he has no compunctions about touching the wine. **And the one who deems** the wine **permitted** holds that it happens on **occasion that** someone **loses an animal and he climbs up** the palm tree **to look for it.** The gentile is therefore concerned lest someone climbing the palm tree see him, and he does not touch the wine.

תָּנוּ רַבָּנָן: אֶחָד הַלּוֹקֵחַ וְאֶחָד הַשּׂוֹכֵר בַּיִת בַּחֲצֵירוֹ שֶׁל גּוֹי וּמִילְּאָהוּ יַיִן, וְיִשְׂרָאֵל דָּר בְּאוֹתָהּ חָצֵר – מוּתָּר, וְאַף עַל פִּי שֶׁאֵין מַפְתֵּחַ וְחוֹתָם בְּיָדוֹ.

§ **The Sages taught:** In the case of a Jew **who purchases** a house **or one who rents**[H] **a house in a gentile's courtyard, and** a Jew **filled** the house with barrels of **wine,**[N] if another **Jew dwells in the same courtyard,** the wine is **permitted.** This *halakha* applies **even if** that Jew does **not** have **in his possession** the **key** to the house **or a seal** on the barrels of wine.

HALAKHA

Renders the wine of a gentile permitted – הַמְטַהֵר יֵינוֹ שֶׁל נָכְרִי: In a case where a Jew produces a gentile's wine such that it is fit for consumption by another Jew, if a Jew resides in that city and the house in which the wine is stored is open to a public thoroughfare, it is permitted. This is the *halakha* whether the gentile sold it to the Jew and he did not yet pay for it, or whether he did not sell it to him but he is producing it in order to be sold by the gentile to other Jews. The *Shakh*, citing the Rashba, holds that numerous Jews, rather than just one, need to reside there. This refers to a case where the Jew is in possession of a key and seal, in accordance with the explanation of Rabbeinu Tam. The Rema writes that after the fact, even a seal alone is sufficient. If the house does not open to a public thoroughfare, or if no Jews live in the city, the wine is prohibited even if there is a double seal, unless there is a Jew safeguarding the wine, or coming and going, which qualifies as safeguarding. The Rema cites an opinion that wine protected with a double seal is permitted in all cases, and rules that this opinion may be relied on to derive benefit from the wine, but not to drink it. The *Shakh* notes that it is permitted even to drink the wine in a case of potential monetary loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:3; *Shulḥan Arukh*, *Yoreh De'a* 131:1).

That one writes for the Jew: I received – וְהַלָּה כּוֹתֵב לוֹ הִתְקַבַּלְתִּי: If the gentile owner of the wine writes for the Jew: I received money from you in payment for the wine, and the Jew is able to take the wine at will, it is considered the Jew's, and is permitted if there is a key and seal. The Rema adds that after the fact it is permitted with even a seal alone. This is the *halakha* even in a city whose residents are all gentiles, in accordance with the opinion of *Tosafot* and the Rosh. If the Jew is unable to retrieve his wine until he pays, it is as though the gentile did not write: I received money from you in payment for the wine. The Rema cites an opinion that wine protected with a double seal is permitted in all cases, and he rules that this opinion may be relied on to derive benefit from the wine, but not to drink it. The *Shakh* notes that it is even permitted to drink the wine in a case of potential monetary loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:4; *Shulḥan Arukh*, *Yoreh De'a* 131:1).

As aren't there Jewish peddlers – וְהָאֵיכָּא רוֹכְלִין: A city whose residents are entirely gentile but is frequented by Jewish peddlers has the same status as a city containing Jewish residents, as long as the city does not have double doors and a crossbar and the peddlers can therefore enter freely. The *Shakh* adds that it would seem that on *Shabbatot* and Festivals, a watchman is required to safeguard the wine (*Shulḥan Arukh*, *Yoreh De'a* 131:1).

Like a public thoroughfare – כִּרְשׁוּת הָרַבִּים דָּמֵי: If the house opens to a trash heap, or if the courtyard facing the house has a window that opens to the public thoroughfare, it is considered as though the house were in a public thoroughfare. The Rema, citing Ra'avad, notes that a window is relevant only during the daytime. Similarly, if the Jew owns a palm tree in the area, even if it does not bear fruit, the house is considered to be in a public thoroughfare. This is in accordance with the more lenient opinion in the dispute between Rav Aḥa and Ravina (*Kesef Mishne*). The *Shakh*, citing Rashba, notes that it is sufficient for the entrance to be visible even though the wine is not (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:6; *Shulḥan Arukh*, *Yoreh De'a* 131:1).

A Jew who purchases or one who rents – אֶחָד הַלּוֹקֵחַ וְאֶחָד הַשּׂוֹכֵר: If a Jew bought or rented a house in the courtyard of a gentile and filled it with wine, the wine is permitted provided that another Jew resides in that courtyard. This is the *halakha* even if the gentile also resides there, and even if there is no seal or lock on the wine. This is in accordance with the *baraita* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:1; *Shulḥan Arukh*, *Yoreh De'a* 130:9).

BACKGROUND

The top of the palm tree was cut off – פְּסִיק רֵישֵׁיהּ: This *halakha* is specific to palm trees because they are unique in this way. After the top of the palm tree is cut off, it does not grow new branches or produce any more fruit.

NOTES

If the Jew desires – אִם יִרְצֶה יִשְׂרָאֵל: Since the gentile is acting as though he has rights to the wine, he has no compunctions about touching it (Rashi). The Ra'avad holds that the gentile's actions call into question the seriousness of his note, indicating that the gentile wrote it only as an artifice to render the wine fit for use. In reality, the gentile views the wine as his own. The *Tosefta* seems to support this explanation.

A Jew's window is considered like a public thoroughfare – חַלּוֹן כִּרְשׁוּת הָרַבִּים דָּמֵי: Rashi first explains that this is referring to a case where the house has a window that opens onto a courtyard, which in turn opens into a public thoroughfare, in a way that enables the public to see whatever transpires in the house. It is therefore considered as though the house itself opens to the public thoroughfare. Rashi prefers a second explanation, according to which the Gemara is referring to where the window of a Jew's house allows the Jewish owner to see the place where the wine is stored. This explanation is also accepted by other early commentaries.

And filled the house with barrels of wine – וּמִילְּאָהוּ יַיִן: This is discussing a case where the wine belongs exclusively to the Jew and the gentile has no lien on it. The gentile does not even have permission to enter the house; he merely lives in the same courtyard.

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בְּחָצֵר אַחֶרֶת – מוּתָּר, וְהוּא שֶׁמַּפְתֵּחַ וְחוֹתָם בְּיָדוֹ.

If a Jew dwells only **in another courtyard,** the wine is also **permitted, but this is** only **when** the Jew has the **key** to the house **or a seal**[N] on the barrels of wine **in his possession,** as this prevents the gentile from gaining access to the wine.

הַמְטַהֵר יֵינוֹ שֶׁל גּוֹי בִּרְשׁוּתוֹ, וְיִשְׂרָאֵל דָּר בְּאוֹתָהּ חָצֵר – מוּתָּר, וְהוּא שֶׁמַּפְתֵּחַ וְחוֹתָם בְּיָדוֹ. אֲמַר לֵיהּ רַבִּי יוֹחָנָן לְתַנָּא, תְּנֵי: אַף עַל פִּי שֶׁאֵין מַפְתֵּחַ וְחוֹתָם בְּיָדוֹ – מוּתָּר.

In the case of a Jew **who renders the wine of a gentile permitted,** and the wine is **in** the gentile's **domain,**[N] if another **Jew dwells in the same courtyard,** the wine is **permitted, but this is** only **when** the Jew has the **key** to the house **or a seal** on the barrels of wine **in his possession. Rabbi Yoḥanan said to the *tanna*** reciting the *baraita*:[B] In this case you should **teach** that **even if** that Jew does **not** have **in his possession** the **key** to the house **or a seal**[H] on the barrels of wine, the wine is **permitted.**

בְּחָצֵר אַחֶרֶת – אָסוּר, אַף עַל פִּי שֶׁמַּפְתֵּחַ וְחוֹתָם בְּיָדוֹ, דִּבְרֵי רַבִּי מֵאִיר;

The *baraita* continues: If the second Jew dwells only **in another courtyard,**[H] the wine is **prohibited, even when** that Jew has the **key** to the house **or a seal** on the barrels of wine **in his possession.** This is **the statement of Rabbi Meir.**

וַחֲכָמִים אוֹסְרִין, עַד שֶׁיְּהֵא שׁוֹמֵר יוֹשֵׁב וּמְשַׁמֵּר, אוֹ עַד שֶׁיָּבֹא מְמוּנֶּה הַבָּא לְקִיצִין.

And the Rabbis deem the wine **prohibited, unless a watchman is sitting and safeguarding** the wine constantly, **or unless an appointed** person **comes** to safeguard the wine. This is referring to a watchman **who comes at set times.**

חֲכָמִים אַהֲיָיא? אִילֵימָא אַסֵּיפָא – תַּנָּא קַמָּא נַמִי מֵיסַר קָא אָסַר! וְאֶלָּא אַרִישָׁא דְּסֵיפָא – וְהָא קָאָמַר לֵיהּ רַבִּי יוֹחָנָן לְתַנָּא, תְּנֵי: אַף עַל פִּי שֶׁאֵין מַפְתֵּחַ וְחוֹתָם בְּיָדוֹ!

The Gemara asks: **To which** case in the *baraita* are **the Rabbis** referring? **If we say** that they are referring **to the last clause,** this is difficult, as in that case **the first *tanna,*** Rabbi Meir, **also deems** the wine **prohibited. Rather,** perhaps they are referring **to the first clause of the last clause,** with regard to a case where a Jew renders a gentile's wine permitted and another Jew dwells in the same courtyard. **But didn't Rabbi Yoḥanan say**[N] **to the *tanna*** reciting the *baraita*: You should **teach** that **even if** the Jew does **not** have **in his possession** the **key** to the house **or a seal** on the barrels of wine, the wine is permitted? It may be assumed that Rabbi Yoḥanan does not disagree with the opinion of the Rabbis.

וְאֶלָּא אַסֵּיפָא דְּרֵישָׁא, דְּקָאָמַר תַּנָּא קַמָּא: בְּחָצֵר אַחֶרֶת – מוּתָּר, וְהוּא שֶׁמַּפְתֵּחַ וְחוֹתָם בְּיָדוֹ; וַחֲכָמִים אוֹמְרִים: לְעוֹלָם אָסוּר, עַד שֶׁיְּהֵא שׁוֹמֵר יוֹשֵׁב וּמְשַׁמֵּר, אוֹ עַד שֶׁיָּבֹא מְמוּנֶּה הַבָּא לְקִיצִין.

Rather, the Rabbis are referring **to the last clause of the first clause,** with regard to a Jew's wine that was placed in a house in a gentile's courtyard, **as the first *tanna* says:** If a Jew dwells only **in another courtyard,** the wine is **permitted, but this is** only **when** the Jew has **in his possession** the **key** to the house **or a seal** on the barrels of wine. **And the Rabbis say: It is always prohibited unless a watchman is sitting and safeguarding** the wine constantly, **or unless an appointed** person **comes** to safeguard the wine. This is referring to a watchman **who comes at set times.**

מְמוּנֶּה בָּא לְקִיצִין גְּרִיעוּתָא הוּא! אֶלָּא, עַד שֶׁיָּבֹא מְמוּנֶּה שֶׁאֵינוֹ בָּא לְקִיצִין.

The Gemara questions this ruling: If **an appointed** person **comes at set times, it is detrimental,** as the gentile knows when to expect the watchman, and he may do as he pleases the rest of the time. **Rather,** emend the *baraita* and teach that the wine is prohibited **unless an appointed** person **comes,** and this is referring to a watchman **who does not come at set times.** Rather, he comes whenever he chooses to do so.

NOTES

Key to the house or a seal – מַפְתֵּחַ וְחוֹתָם: This *baraita* is in accordance with the opinion of Rabbi Eliezer (see 31a and Ra'avad).

The wine of a gentile…in his domain – יֵינוֹ שֶׁל גּוֹי בִּרְשׁוּתוֹ: Since the gentile has rights both to the wine and to the location where it is stored, he has no compunctions about touching it unless the Jew has a key or seal, in which case the gentile is concerned that the Jew will see him breaking in. According to this opinion, the case of a Jew living in proximity is different from that of a watchman who comes and goes. The watchman enters the exact location where the wine is stored. By contrast, the Jew who resides nearby merely enters his own home, and not necessarily the location of the wine. If he does see the gentile with the wine, the gentile can still explain that he is checking up on the condition of the wine (Ra'avad).

But didn't Rabbi Yoḥanan say – וְהָא קָאָמַר לֵיהּ רַבִּי יוֹחָנָן: The assumption is that the opinion of the Rabbis is accepted, as they are the majority opinion. Presumably Rabbi Yoḥanan's ruling would not contradict their opinion.

BACKGROUND

To the *tanna* reciting the *baraita* – לְתַנָּא: The term *tanna* here does not refer to one of the Sages of the Mishna. Rather, in the amoraic period, the term *tanna* took on another meaning, referring to one for whom the memorization of tannaitic sources was his domain of expertise. Despite this knowledge, the *tanna* was not considered one of the Sages, as he was unable to resolve difficulties that arose in the texts that he recited. The *tanna* would recite the material in the presence of one of the Sages, who would assess its accuracy and either confirm it or, if need be, correct it.

HALAKHA

Even if that Jew does not have in his possession the key to the house or a seal – אַף עַל פִּי שֶׁאֵין מַפְתֵּחַ וְחוֹתָם בְּיָדוֹ: If a Jew produced a gentile's wine such that it is fit for use by Jews (see 61a) and placed the wine in that gentile's courtyard, the wine is permitted even if it is not protected with a key or seal if another Jew lives in that same courtyard. This is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:3; *Shulḥan Arukh*, *Yoreh De'a* 131:1).

In another courtyard – בְּחָצֵר אַחֶרֶת: If a Jew bought or rented a house in a gentile's courtyard and filled his house with wine but did not live there, the wine is permitted if the key and seal, and certainly a double seal, was in the possession of another Jew. The *Shakh* rules that after the fact the wine is permitted even if there is only a single seal and no key. If the key or seal were not in the Jew's possession, then the wine is prohibited if the gentile lives in that courtyard. This is in accordance with the opinion of the first *tanna* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:1, and see *Leḥem Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 130:9).

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״רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: רְשׁוּת גּוֹיִם אַחַת הִיא״. אִיבַּעְיָא לְהוּ: רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר לְהָקֵל אוֹ לְהַחְמִיר? רַב יְהוּדָה אָמַר זְעֵירִי: לְהָקֵל, רַב נַחְמָן אָמַר זְעֵירִי: לְהַחְמִיר.

§ The mishna teaches that if a Jew renders the wine of a gentile permitted and leaves the wine in the gentile's domain, the wine is prohibited unless a Jew guards the wine. **Rabbi Shimon ben Elazar says:** The **domain of gentiles is** all **one.**[H] **A dilemma was raised before** the Sages: Does **Rabbi Shimon ben Elazar** come **to be lenient or to be stringent? Rav Yehuda** says that **Ze'eiri says:** Rabbi Shimon ben Elazar came **to be lenient. Rav Naḥman** says that **Ze'eiri says:** Rabbi Shimon ben Elazar came **to be stringent.**

רַב יְהוּדָה אָמַר זְעֵירִי לְהָקֵל, וְהָכִי קָאָמַר תַּנָּא קַמָּא: כְּשֵׁם שֶׁבִּרְשׁוּתוֹ אָסוּר – כָּךְ בִּרְשׁוּת גּוֹי אַחֵר נַמִּי אָסוּר, וְחָיְישִׁינַן לְגוֹמְלִין;

The Gemara explains: **Rav Yehuda** says that **Ze'eiri says** that Rabbi Shimon ben Elazar came **to be lenient, and** accordingly, **this** is what **the first *tanna* is saying: Just as** the wine is **prohibited when** it is left **in** the gentile owner's **domain, so too** the wine is **prohibited** when it is left **in the domain of another gentile,** as the bailee might allow the owner to touch the wine. **And we are concerned** that they might be **in collusion** and the bailee will not reveal that the gentile owner touched the wine, as the owner reciprocates on other occasions.

רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: בַּמֶּה דְּבָרִים אֲמוּרִים – בִּרְשׁוּתוֹ, אֲבָל בִּרְשׁוּת גּוֹי אַחֵר – מוּתָּר, וְלָא חָיְישִׁינַן לְגוֹמְלִין.

Rabbi Shimon ben Elazar says that not all the domains of gentiles are considered as one. **In what** case **is this statement** that the wine is prohibited **said?** This applies only when the wine is left **in** the gentile owner's **domain. But** when it is left **in the domain of another gentile** the wine is **permitted,** as the gentile refrains from touching the wine when it is in the domain of another gentile, as his actions might become known. **And we are not concerned** that the two gentiles might be **in collusion.**

רַב נַחְמָן אָמַר זְעֵירִי לְהַחְמִיר, וְהָכִי קָאָמַר תַּנָּא קַמָּא: בַּמֶּה דְּבָרִים אֲמוּרִים – בִּרְשׁוּתוֹ, אֲבָל בִּרְשׁוּת גּוֹי אַחֵר – מוּתָּר, וְלָא חָיְישִׁינַן לְגוֹמְלִין; רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: כָּל רְשׁוּת גּוֹיִם אַחַת הִיא.

The Gemara explains the other opinion. **Rav Naḥman** says that **Ze'eiri says:** Rabbi Shimon ben Elazar came **to be stringent, and** accordingly, **this** is what **the first *tanna* is saying: In what** case **is this statement** that the wine is prohibited **said?** This applies only when the wine is left **in** the gentile owner's **domain. But** when it is left **in the domain of another gentile** the wine is **permitted,** as the gentile refrains from touching the wine when it is in the domain of another gentile, **and we are not concerned** that the two gentiles might be **in collusion.** Conversely, **Rabbi Shimon ben Elazar says:** The **domain of gentiles is all one,** and the wine is prohibited, as it is possible that the gentile bailee is in collusion with the owner.

תַּנְיָא כְּוָותֵיהּ דְּרַב נַחְמָן אָמַר זְעֵירִי לְהַחְמִיר, אָמַר רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר: כָּל רְשׁוּת גּוֹיִם אַחַת הִיא מִפְּנֵי הָרַמָּאִין.

It is taught in a *baraita* **in accordance with** the opinion **of Rav Naḥman,** who says that **Ze'eiri says** that Rabbi Shimon ben Elazar came **to be stringent: Rabbi Shimon ben Elazar said:** The **domain of gentiles is all one, due to the swindlers.** This indicates that Rabbi Shimon ben Elazar is presenting a more stringent opinion.

דְּבֵי פַּרְזָק רוֹפִילָא אוֹתִיבוּ חַמָּרָא גַּבֵּי אֲרִיסַיְיהוּ, סְבוּר רַבָּנַן קַמַּיְיהּ דְּרָבָא לְמֵימַר: כִּי חָיְישִׁינַן לְגוֹמְלִין – הָנֵי מִילֵּי הֵיכָא דְּקָא מוֹתִיב הַאי גַּבֵּי הַאי, אֲבָל הָכָא, כֵּיוָן דַּאֲרִיסַיְיהוּ לָאו דַּרְכַּיְיהוּ לְאוֹתוּבֵי בֵּי פַּרְזָק רוֹפִילָא – לְגוֹמְלִין לָא חָיְישִׁינַן.

The Gemara relates that men **from the house of Parzak the vizier**[N] **placed wine** that had been rendered permitted by Jews who had not yet paid for it **in** the domain of **their** gentile **sharecroppers. The Rabbis** who were studying **before Rava thought to say: When are we concerned** that two gentiles might be **in collusion? This matter** applies only in a case **where this** gentile **places** items **in** the domain of **that** gentile, and vice versa. **But here, since** the vizier's **sharecroppers are not accustomed to place** items in **the house of Parzak the vizier, we are not concerned** that two gentiles might be **in collusion.**

HALAKHA

The domain of gentiles is all one – רְשׁוּת גּוֹיִם אַחַת הִיא: If a Jew produced a gentile's wine such that it is fit for use by Jews and placed it in the possession of another gentile, the wine is permitted if the key or seal is in the possession of a Jew. This is in accordance with the opinion of the first *tanna* and the opinion of Ze'eiri. The Rambam holds that there is no distinction between this gentile's courtyard and the courtyard of another gentile, because there is a concern that they are in collusion. This is in accordance with the opinion of Rabbi Shimon ben Elazar, which seems to be supported by the ruling of Rava in the case of Parzak (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:4 and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 131:1).

NOTES

From the house of Parzak the vizier – דְּבֵי פַּרְזָק רוֹפִילָא: This refers to a case where there is no concern that the sharecropper himself might touch the wine, for one of several reasons. One possibility is that the key or seal is in the possession of the Jew. Another possibility is that he does not live there, and the house is designated for storage of wine (see 61a). In such circumstances, there is no need for a seal or key, as the sharecropper has no rights to the wine or the location that would justify his entering without suspicion (see Ramban).

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אֲמַר לְהוּ רָבָא: אַדְּרַבָּה, אֲפִילּוּ לְמַאן דְּאָמַר לָא חָיְישִׁינַן לְגוּמְלִין, הָנֵי מִילֵּי הֵיכָא דְּלָא מִירְתַת מִינַּיהּ, אֲבָל הָכָא, כֵּיוָן דְּמִירְתַת מִינַּיהּ – מְחַפֵּי עֲלֵיהּ זְכוּתָא.

Rava said to the Rabbis: **On the contrary, even according to the one who says** that **we are not concerned** that two gentiles might be **in collusion, that statement** applies only **where** the other gentile **is not afraid of** the wine's owner. **But here, since** the sharecropper is **afraid of** the vizier, **he covers up for him** and testifies on his **behalf** that he did not touch the wine.

הַהוּא כְּרַכָּא דַּהֲוָה יָתֵיב בֵּיהּ חַמְרָא דְּיִשְׂרָאֵל, אִשְׁתַּכַּח גּוֹי דַּהֲוָה קָאֵי בֵּינֵי דַּנֵּי, אֲמַר רָבָא: אִם נִתְפָּס עָלָיו כְּגַנָּב – חַמְרָא שָׁרֵי, וְאִי לָא – אָסוּר.

There was **a certain city in which a Jew's wine was placed. A gentile was found standing among the barrels** of wine. **Rava said: If** the gentile **can be caught as a thief**[HN] if he touches the wine, the **wine is permitted.** Since he is afraid of being caught he does not have the presence of mind to offer the wine as a libation. **But if not,** it is **prohibited**[N] even to derive benefit from the wine, as it is assumed that the gentile certainly touched it and offered it as a libation.

הדרן עלך רבי ישמעאל

HALAKHA

If he can be caught as a thief – אִם נִתְפָּס עָלָיו כְּגַנָּב: The Rambam describes a case where a storehouse of wine contains open barrels, and the gentile has other barrels in the same location, and the gentile is found standing among the Jew's open barrels. If he is startled when found, then it is permitted to drink the wine, as he does not have opportunity to pour the wine as a libation due to his fear of being caught. If he is not startled, but rather is self-assured, then the wine is prohibited. This is in accordance with a variant version of the Gemara. The *Shulḥan Arukh* writes: If there are barrels of wine in the marketplace and a gentile is found among them, if he is a gentile who is fearful of the authorities, and were he to be found touching the wine he could be accused as a thief, then it is permitted even to drink the wine. If not, it is prohibited even to derive benefit from the wine. This is in accordance with the explanation of Rashi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:23; *Shulḥan Arukh*, *Yoreh De'a* 128:4).

NOTES

If he can be caught as a thief – אִם נִתְפָּס עָלָיו כְּגַנָּב: Rashi explains that this gentile is not exceptionally powerful, but rather is a regular citizen who is intimidated by the authorities and does not wish to be suspected of thievery. The Ritva cites his teachers, who explain that this term does not refer exclusively to fear of punishment, but rather includes embarrassment at being suspected of illicit conduct as well. The Ra'avad cites one of the *ge'onim*, who explains the phrase as referring to being found where one does not belong. An example would be where there is a partition between the Jew's barrels and the gentile's. Rashi on 70a likewise explains that this phrase refers to entering a location where the very fact that he enters raises suspicion (and see Ritva).

If not it is prohibited – וְאִי לָא אָסוּר: Rashi explains that in the cases where the wine is permitted, it is permitted even to drink, as there is no concern that he touched the wine. In the cases where it is prohibited, there is a concern that he touched the wine and poured it, and therefore it is prohibited even to derive benefit from it.

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Summary of **Perek IV**

The Gemara reached several conclusions with regard to the prohibition against deriving benefit from objects and accessories of idol worship. First, all stones thrown at the pile dedicated to Mercury become part of the object of idol worship itself. The prohibition against worshipping idols includes any form of worship that is similar to the rites performed in the Temple in service of God, as well as any form of worship that is the usual manner of worshipping that idol. One who worships an idol in one of these ways is liable and renders the object of idol worship prohibited. Similarly, an offering brought in idolatrous worship is rendered forbidden only if it was offered in a manner that parallels the sacrificial rites performed in the Temple.

Items that were placed upon an object of idol worship are prohibited only if they are decorative items or if they were placed upon the idol in order to honor it.

It is permitted to derive benefit from property owned by an entity of idol worship, unless the use of the property entails paying the idol's priests or, according to another interpretation, being indebted to them in some other manner. If the property was mutually owned by the entity of idol worship and by others, it is permitted to derive benefit from the property under all circumstances.

An object of idol worship that was fashioned by a gentile is prohibited as soon as it is fashioned, but a Jew's object of idol worship is prohibited only once he worships it. With regard to the revocation of the object's status as an object of idol worship, the *halakha* with regard to a Jew's object of idol worship is more stringent than the *halakha* with regard to a gentile's: The status of a gentile's object of idol worship can be revoked, while the status of a Jew's idol can never be revoked.

The chapter explained what constitutes an act of revocation. If a gentile physically damages the idol in a way that is permanent, its status as an object of idol worship is revoked, irrespective of whether the gentile is one of its worshippers or not. A mere display of scorn does not revoke its status as an object of idol worship, as the gentile may subsequently continue to worship it. Similarly, selling the idol or mortgaging it does not constitute a revocation of its status, unless the gentile sells it to someone who will certainly revoke its status. Similarly, if an idol is abandoned by its worshippers willingly, its status is revoked and it is no longer forbidden.

As a tangent to the discussion concerning the revocation of the status of objects of idol worship, the Talmud engaged in an aggadic discussion with regard to God's tolerating idol worship in the world. Why does God not destroy the objects of idol worship that exist in His world? Moreover, why does idol worship sometimes appear to be effective? The essence of the Gemara's response is that God desires that people have free will, leaving one the choice whether to be wicked or righteous.

The Gemara continued to discuss the prohibition of wine used for a libation in idol

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worship, and concludes that the prohibition applies if the gentile touched the wine, but not if he touched only the grapes. Once the juice begins to flow in the winepress it has the status of wine and is subject to this prohibition.

If a gentile touched the wine intentionally, or if there is reason to suspect that he might have done so, it is prohibited to derive benefit from the wine. If a gentile touched the wine unintentionally, it is prohibited to drink the wine but not to derive benefit from it. If the wine was agitated by force of the gentile's action, but he did not touch the wine, e.g., when he poured it from one vessel into another, the wine is also rendered prohibited. If he did so unintentionally, the wine is permitted even for drinking.

In a case where a gentile is found near barrels of wine that belong to a Jew, if the gentile has any right to the wine or if he has an excuse for entering without arousing suspicion of theft, the wine is prohibited.

If a Jew's wine is left in a place where there are only gentiles, it is necessary to appoint a watchman to ensure that the gentiles do not touch the wine. He is not required to stand watch constantly, provided that he comes and goes at unpredictable intervals without the gentiles being able to know when to expect him. The principle is that as long as the gentile has compunctions about touching the wine, one may assume that he did not touch it and it is permitted.

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Introduction to **Perek V**

But the gold, and the silver, the brass, the iron, the tin, and the lead, anything that may tolerate the fire, you shall make to go through the fire, and it shall be pure; nevertheless it shall be purified with the water of sprinkling; and anything that does not tolerate the fire you shall make to go through the water.

(Numbers 31:22–23)

This chapter discusses various issues involving nondescript wine of a gentile, which has the halakhic status of wine used for a libation. Some of these issues were already touched upon in previous chapters.

The first issue is the practical ramifications of a gentile coming into contact with Jews' wine. In what circumstances is there concern that a gentile in close proximity to wine might pour a libation for idol worship from it, and how close does the Jew's supervision of the gentile need to be?

The chapter also examines the precise limits of the prohibition against deriving benefit from a gentile's wine. While this prohibition clearly applies to the proceeds from the sale of the wine, it is questionable whether more indirect types of benefit are included in the prohibition.

Transference of wine from the possession of a gentile to the possession of a Jew, and vice versa, whether by sale of the wine or by using the wine as a means of payment, raises certain questions. It is prohibited to derive benefit from a gentile's wine. In the case of a Jew selling permitted wine to a gentile, if the gentile touches it before it leaves the legal possession of the Jew, it becomes prohibited for the Jew to derive benefit from it. Therefore it is necessary to define the precise stage at which the wine passes from the seller's possession to the buyer's possession and to clarify practical solutions to enable such sales.

The discussion of the prohibition against deriving benefit from wine used for a libation also necessitates a discussion of cases where the forbidden wine became mixed with other substances, specifically with regard to the proportions that render the entire mixture forbidden. In the context of this discussion the Gemara also discusses mixtures involving other biblical prohibitions.

The chapter also describes the halakhic preparation for use by Jews of utensils that were previously used with libation wine.

In this context the Gemara also discusses more generally the topic of purification of utensils purchased from gentiles. It details how one removes forbidden substances absorbed in them, and it addresses the mitzva alluded to in the Torah to immerse such utensils in order to render them fit for use by Jews.

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מתני׳ הַשּׂוֹכֵר אֶת הַפּוֹעֵל לַעֲשׂוֹת עִמּוֹ בְּיֵין נֶסֶךְ – שְׂכָרוֹ אָסוּר. שְׂכָרוֹ לַעֲשׂוֹת עִמּוֹ מְלָאכָה אַחֶרֶת, אַף עַל פִּי שֶׁאָמַר לוֹ: ״הַעֲבֵר לִי חָבִית שֶׁל יַיִן נֶסֶךְ מִמָּקוֹם לְמָקוֹם״ – שְׂכָרוֹ מוּתָּר. הַשּׂוֹכֵר אֶת הַחֲמוֹר לְהָבִיא עָלֶיהָ יֵין נֶסֶךְ – שְׂכָרָהּ אָסוּר. שְׂכָרָהּ לֵישֵׁב עָלֶיהָ, אַף עַל פִּי שֶׁהִנִּיחַ גּוֹי לְגִינּוֹ עָלֶיהָ – שְׂכָרָהּ מוּתָּר.

MISHNA In the case of a gentile **who hires** a Jewish **laborer**[H] **to work with wine** used for an idolatrous **libation with him, his wage** is **forbidden,** i.e., it is prohibited for the Jew to derive benefit from his wage. If the gentile **hired him to do other work with him, even if he said to him** while he was working with him: **Transport the barrel of wine** used for **a libation for me from** this **place to** that **place, his wage** is **permitted,** i.e., the Jew is permitted to derive benefit from the money. With regard to a gentile **who rents** a Jew's **donkey to carry wine** used for **a libation on it, its** rental **fee** is **forbidden.** If **he rented it to sit on it,**[H] **even if a gentile placed his jug** of wine used for a libation **on it, its** rental **fee** is **permitted.**

גמ׳ מַאי טַעְמָא שְׂכָרוֹ אָסוּר? אִילֵימָא, הוֹאִיל וְיֵין נֶסֶךְ אָסוּר בַּהֲנָאָה – שְׂכָרוֹ נַמִּי אָסוּר; הֲרֵי עָרְלָה וְכִלְאֵי הַכֶּרֶם דַּאֲסִירִין בַּהֲנָאָה, וּתְנַן: מְכָרָן וְקִידֵּשׁ בִּדְמֵיהֶן – מְקוּדֶּשֶׁת!

GEMARA In the first case of the mishna, where a gentile hires a Jew to produce wine used for a libation with him, **what is the reason** that **his wage** is **forbidden? If we say** that **since** it is **prohibited to** derive **benefit** from **wine** used for **a libation, his wage** is **also prohibited,**[N] that is difficult: **There are** the cases of ***orla*** produce, i.e., produce grown during a tree's first three years, **and diverse kinds** planted **in a vineyard,**[H] from **which** it is also **prohibited to** derive **benefit, and** yet **we learned** in a mishna (*Kiddushin* 56b) that if a man **sold** this produce **and betrothed** a woman **with the money** received **for it,** she is **betrothed.** Evidently, money gained from a forbidden item is not itself forbidden, as otherwise the betrothal would not take effect.

אֶלָּא, הוֹאִיל וְתוֹפֵס אֶת דָּמָיו כַּעֲבוֹדָה זָרָה; וְהֲרֵי שְׁבִיעִית דְּתוֹפֶסֶת אֶת דָּמֶיהָ, וּתְנַן, הָאוֹמֵר לַפּוֹעֵל: ״הֵילָךְ דִּינָר זֶה, לְקוֹט לִי בּוֹ יָרָק הַיּוֹם״ – שְׂכָרוֹ אָסוּר, ״לְקוֹט לִי יָרָק הַיּוֹם״ – שְׂכָרוֹ מוּתָּר!

Rather, perhaps the reason that the wage is forbidden is **since** the wine used for a libation **transfers to the money** its status **as** an object of **idol worship.**[N] The Gemara challenges: **But there is** the *halakha* of **Sabbatical**-Year produce, **which transfers** its sanctity to the **money** with which **it** is redeemed, **and** yet **we learned** in a mishna (*Shevi'it* 8:4): With regard to **one who says to** his **laborer** during the Sabbatical Year: **Here is this dinar** I give **to you; gather**[H] **for me vegetables for its** value **today, his wage** is **forbidden,**[N] i.e., the sanctity of the Sabbatical-Year produce is transferred to the wage, since it is as though he has purchased Sabbatical-Year produce in exchange for the dinar. But if the employer says to him: **Gather for me**[N] **vegetables today,** without mentioning that it is for the value of the dinar, **his wage** is **permitted,** as he merely paid him for his labor. This should apply as well to the case of the wine used for a libation.

HALAKHA

A gentile who hires a Jewish laborer, etc. – הַשּׂוֹכֵר אֶת הַפּוֹעֵל וכו׳: Just as it is prohibited to derive benefit from wine used for a libation and money earned from dealing in it, it is prohibited to earn a wage for taking part in its production. This stringency is applied to nondescript gentiles' wine as well. Therefore, if one was hired by a gentile to work for him in wine production, or if one rented out his donkey or ship to transport such wine, or rented out his cellar to age it, the money earned thereby is forbidden, and any money paid must be ground up and thrown to the wind or cast into the sea (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:15–16; *Shulḥan Arukh*, *Yoreh De'a* 133:1).

If he rented it to sit on it, etc. – שְׂכָרָהּ לֵישֵׁב עָלֶיהָ וכו׳: If one rented out his donkey to a gentile to sit on it and the gentile placed a flask of wine upon it, or if one rented out his ship to a gentile to transport his merchandise and the gentile placed wine on it, the money received is permitted, since the main purpose of the rental was not for the wine (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:17; *Shulḥan Arukh*, *Yoreh De'a* 133:2).

***Orla* produce and diverse kinds planted in a vineyard – עָרְלָה וְכִלְאֵי הַכֶּרֶם:** It is prohibited to derive benefit from the produce of a fruit tree during the first three years from the planting of the tree. Diverse kinds planted in a vineyard, i.e., grains and vegetables that were planted along with the grape vines or were allowed to grow there of their own accord, are forbidden as well. If one betrothed a woman with such produce, the woman is not betrothed. If one transgressed the prohibition and sold this produce, and then betrothed a woman with the proceeds, she is betrothed. This latter *halakha* applies with regard to any item from which it is prohibited to derive benefit, with the exception of an object of idol worship (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 10:6, 9 and *Sefer Nashim*, *Hilkhot Ishut* 5:1–2; *Shulḥan Arukh*, *Yoreh De'a* 294:1 and *Even HaEzer* 28:21–22).

Here is this dinar I give to you, gather, etc. – הֵילָךְ דִּינָר זֶה לְקוֹט וכו׳: If one says to a laborer during the Sabbatical Year: Here is this coin; gather produce for me today, then this wage is permitted and does not have the sanctity of Sabbatical-Year produce. If the employer said to him: Gather for me the amount of produce of the value of this coin today, then the money given to the laborer has the sanctity of Sabbatical-Year produce. This money may be spent only on food and drink, and one must regard what he purchases as having the sanctity of Sabbatical-Year produce (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 6:12).

NOTES

His wage is also prohibited – שְׂכָרוֹ נַמִּי אָסוּר: With regard to any item from which it is prohibited to derive benefit, benefit that one derives from it indirectly is similarly prohibited (Ramban). The Ran says that the prohibition against deriving benefit is applied to this wage as a rabbinic decree lest the worker come to benefit from the prohibited item itself.

Transfers to the money its status as an object of idol worship – וְתוֹפֵס אֶת דָּמָיו כַּעֲבוֹדָה זָרָה: Rashi explains that since proceeds from selling an object of idol worship are forbidden, so too any benefit accruing from idol worship, such as a wage, is also forbidden. *Tosafot* explain that although in general no prohibition applies to wages earned from work associated with forbidden items, idol worship is different. Since the prohibition against idol worship is itself so severe, it is fitting that a stringency be applied to the wages, in order to further distance people from idol worship by all means possible.

His wage is forbidden – שְׂכָרוֹ אָסוּר: This money must be eradicated when the time arrives for the eradication of the Sabbatical-Year produce being gathered in exchange for this money.

Gather for me – לְקוֹט לִי: The phrasing of the transaction indicates employment, rather than purchase of an item; the laborer is being paid for his labor. Since the act of gathering itself is not prohibited, his wage is permitted. *Tosafot* explain that since Sabbatical-Year produce is ownerless, gathering it is tantamount to gathering lost objects for the employer.

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אָמַר רַבִּי אַבָּהוּ אָמַר רַבִּי יוֹחָנָן: קְנָס הוּא שֶׁקָּנְסוּ חֲכָמִים בְּחַמָּרִין וּבְיֵין נָסָךְ. יֵין נָסָךְ – הָא דַּאֲמָרַן. חַמָּרִין מַאי הִיא? דְּתַנְיָא: הַחַמָּרִין שֶׁהָיוּ עוֹשִׂין מְלָאכָה בְּפֵירוֹת שְׁבִיעִית – שְׂכָרָן שְׁבִיעִית.

Rabbi Abbahu says that **Rabbi Yoḥanan says:** This **is a penalty that the Sages imposed upon donkey drivers and with regard to wine** used for **a libation.** The Gemara explains: With regard to **wine** used for **a libation,** the penalty is **as we said,** that the wage of one who is hired to work in the production of wine used for libation is forbidden. With regard to **donkey drivers, what is** this penalty? The penalty is **as it is taught** in a *baraita*: With regard to **the donkey drivers who were working**[H] **in** the transportation of **Sabbatical**-Year **produce, their wage** is **Sabbatical**-Year produce.

מַאי ״שְׂכָרָן שְׁבִיעִית״? אִילֵימָא דְּיָהֲבִינַן לְהוּ שָׂכָר מִפֵּירוֹת שְׁבִיעִית – נִמְצָא זֶה פּוֹרֵעַ חוֹבוֹ מִפֵּירוֹת שְׁבִיעִית, וְהַתּוֹרָה אָמְרָה: ״לְאָכְלָה״ – וְלֹא לִסְחוֹרָה!

The Gemara asks: **What** does it mean when it says that **their wage** is **Sabbatical**-Year produce? **If we say that we give them** their **wage** for their work **from Sabbatical**-Year **produce,** the employer **consequently is paying his debt from Sabbatical**-Year **produce, and** this violates that which **the Torah states:** "And the Sabbatical produce of the land shall be **for food** for you" (Leviticus 25:6), indicating that this produce is designated for food, **but not for commerce.**[HN]

וְאֶלָּא דְּקָדוֹשׁ שְׂכָרָן בִּקְדוּשַּׁת שְׁבִיעִית, וּמִי קָדוֹשׁ? וְהָתַנְיָא: הָאוֹמֵר לַפּוֹעֵל: ״הֵילָךְ דִּינָר זֶה וּלְקוֹט לִי יָרָק הַיּוֹם״ – שְׂכָרוֹ מוּתָּר, ״לְקוֹט לִי יָרָק בּוֹ הַיּוֹם״ – שְׂכָרוֹ אָסוּר!

And if it means **that their wage is sacred with the sanctity of Sabbatical**-Year produce, **is** that wage in fact **sacred? But isn't it taught** in a mishna that with regard to **one who says to a laborer: Here is this dinar** I give **to you and gather for me vegetables today, his wage** is **permitted,** but if he says to him: **Gather for me vegetables today for its** value, **his wage** is **forbidden?** The case of the donkey drivers is clearly similar to the former case, where the value of the dinar was not mentioned.

אֲמַר אַבַּיֵי: לְעוֹלָם יָהֲבִינַן לֵיהּ שָׂכָר מִפֵּירוֹת שְׁבִיעִית; וּדְקָא קַשְׁיָא לָךְ: ״לְאָכְלָה״ וְלֹא לִסְחוֹרָה – דְּיָהֲבֵיהּ נִיהֲלֵיהּ בְּצַד הֵיתֵּר, כְּדִתְנַן, לֹא יֹאמַר אָדָם לַחֲבֵירוֹ

Abaye said: Actually, Rabbi Yoḥanan's statement should be interpreted as saying that **we give him** his **wage from Sabbatical**-Year **produce. And** as for **that which** appears to **pose a difficulty for you,** that the verse designates such produce **"for food" but not for commerce,** that can be resolved by explaining **that one gives him** his wage **in a permitted manner,** i.e., as a gift rather than as a wage. This is **as we learned** in a mishna (*Ma'aser Sheni* 3:1) that **a person should not say to another:**

HALAKHA

Donkey drivers who were working, etc. – חַמָּרִין שֶׁהָיוּ עוֹשִׂין וכו' מְלָאכָה: If a donkey driver is employed for prohibited work with Sabbatical-Year produce, e.g., if he transports more than the quantity required for direct consumption, the fee he receives for this is deemed money of the Sabbatical Year. This is a penalty applied to the donkey drivers but not to laborers, as laborers receive a minimal wage and are dependent upon this wage for survival. This is in accordance with the *baraita*, based on its explanation of the Jerusalem Talmud and the conclusion of the Gemara on the following *amud* (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 6:13).

For food but not for commerce – לְאָכְלָה וְלֹא לִסְחוֹרָה: Sabbatical-Year produce may not be used for commerce or for settling debts. One who wishes to sell small amounts of this produce may do so, but the money received in return bears the sanctity of the Sabbatical Year, and the seller may use it only to purchase food to be eaten and treated with the sanctity of the Sabbatical Year (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 6:1, 10).

NOTES

For food, but not for commerce – לְאָכְלָה וְלֹא לִסְחוֹרָה: It is permitted to sell Sabbatical-Year produce when it is for the purpose of providing food, and therefore it is permitted to sell small amounts. It may not be sold in a commercial manner, e.g., by weight. Since it is prohibited to use Sabbatical-Year produce for purposes other than food, one may not repay a debt with it. The Ramban explains the reason for this prohibition is that it is permitted to sell Sabbatical-Year produce for the purpose of obtaining food, because the produce he eventually acquires attains the sanctity of the Sabbatical Year (see 54b). If one would receive an inedible item in exchange for the produce, e.g., the settlement of a debt, the transaction would nullify the sanctity of the Sabbatical-Year produce, and it is therefore prohibited to use the Sabbatical Year produce in this manner.

Perek **V**
Daf **62** Amud **b**

הַעֲלֵה לִי פֵּירוֹת הַלָּלוּ לִירוּשָׁלַיִם לְחֻלִּין, אֲבָל אוֹמֵר לוֹ: הַעֲלֵם לְאוֹכְלָם וְלִשְׁתּוֹתָם בִּירוּשָׁלַיִם, וְנוֹתְנִין זֶה לָזֶה מַתָּנָה שֶׁל חִנָּם.

Bring this produce[H] designated as second tithe[B] **to Jerusalem for me** in exchange **for a share** of the produce, of which you may partake in Jerusalem. This is considered payment and is tantamount to conducting commerce with the tithe. **But he may say to him: Bring it** to Jerusalem **to eat it and drink it in Jerusalem,** as long as he does not specify that it is payment; **and** once in Jerusalem **they may give one another unrequited gifts.** This indicates that what may not be given as payment may be given as a gift, and therefore the donkey drivers may be compensated with Sabbatical-Year produce.

HALAKHA

Bring this produce – הַעֲלֵה...פֵּירוֹת הַלָּלוּ: One may not say to another: Bring this produce designated as second tithe to Jerusalem and take your portion from it, as this is tantamount to being paid a fee with the second tithe. But one may hint to another: Bring it up to Jerusalem and we will eat and drink of it there. This is in accordance with the ruling of the mishna here (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser Sheni* 3:22).

BACKGROUND

Second tithe – מַעֲשֵׂר שֵׁנִי: The second tithe was one-tenth of the produce that remained after *teruma* had been given to the priests and the first tithe had been given to the Levites. It was separated during the first, second, fourth, and fifth years of the Sabbatical cycle. After the second tithe was set aside, it was brought to Jerusalem to be consumed there by its owner. If the journey to Jerusalem was too long, so that it would be difficult to transport the produce there, or if the produce became ritually impure, it could be redeemed for a sum of money equal to its value. If the owner redeemed his own produce he had to add one-fifth of its value. This redemption money was brought to Jerusalem, where it was required to be spent only on food.

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וְרָבָא אָמַר: לְעוֹלָם דְּקָדוֹשׁ בִּקְדוּשַׁת שְׁבִיעִית, וּדְקָא קַשְׁיָא לָךְ פּוֹעֵל, פּוֹעֵל דְּלָא נָפֵישׁ אַגְרֵיהּ – לָא קְנָסוּהוּ רַבָּנַן, חַמָּרִין דְּנָפֵישׁ אַגְרֵיהוּ – קָנְסוּ רַבָּנַן בְּהוּ. וּמַתְנִיתִין – חוּמְרָא דְּיֵין נָסֵךְ שָׁאנֵי.

And Rava says: Actually, Rabbi Yoḥanan means **that** the produce with which the drivers are paid is **sacred with the sanctity** of **Sabbatical**-Year produce, **and** as for **that which** poses **a difficulty for you** with regard to the *halakha* of the **laborer** cited in the mishna, which states that his wage is not sacred, that difficulty can be resolved as follows: There is a distinction between **a laborer, whose wage is not great,** and therefore **the Sages did not penalize him** by decreeing that his wage is sacred, and **donkey drivers, whose wages are great,**[N] and therefore **the Sages penalized them. And** with regard to **the mishna** that deems forbidden even the laborer's wage in the case of one who produces wine designated for libation, **the stringency of wine** used for **a libation is different,** and it is treated more stringently than Sabbatical-Year produce.

אִיבַּעְיָא לְהוּ: שְׂכָרוֹ לִסְתָם יֵינָן, מַהוּ? מִי אָמְרִינַן: כֵּיוָן דְּאִיסּוּרָא חָמוּר כְּדִיֵּין נָסֵךְ, שְׂכָרוֹ נַמִי אָסוּר, אוֹ דִלְמָא הוֹאִיל וְטוּמְאָתוֹ קִיל, אַף שְׂכָרוֹ נַמִי קִיל?

§ **A dilemma was raised before** the Sages: If a gentile **hired** a Jew **to** work with him in the production of **nondescript wine**[H] of gentiles, i.e., wine that was not used for libation, **what is** the *halakha*? **Do we say** that **since the prohibition** of deriving benefit from nondescript wine of gentiles is **as stringent as** the prohibition **of** deriving benefit from **wine** used for a **libation,**[N] **his wage is also forbidden, or perhaps** should it be reasoned that **since** the *halakha* with regard to **its** capacity for imparting **ritual impurity** to one who comes into contact with it is more **lenient**[N] than the *halakha* with regard to wine used for a libation, the *halakha* with regard to **its wage** is **also** more **lenient?**

תָּא שְׁמַע: דְּהַהוּא גַּבְרָא דַּאֲגַר אַרְבִּיהּ לְסָתָם יֵינָן, יְהַבוּ לֵיהּ חִטֵּי בְּאַגְרָא, אֲתָא לְקַמֵּיהּ דְּרַב חִסְדָּא, אֲמַר לֵיהּ: זִיל קַלֵּינְהוּ וְקָבְרִינְהוּ בְּקִבְרֵי.

Come and **hear** a resolution: It is related **that** there was **a certain man who rented out his ship for** transporting **nondescript wine** of gentiles, and the gentiles **gave him wheat in payment. He came before Rav Ḥisda** to determine the status of the wheat. Rav Ḥisda **said to him: Go burn it**[H] **and bury it in a graveyard.** Evidently, payment for working with nondescript wine of gentiles is forbidden.

וְלֵימָא לֵיהּ: בַּדְּרִינְהוּ! אָתוּ בְּהוּ לִידֵי תַּקָּלָה. וְלִיקַלֵּינְהוּ וְלִיבַּדְּרִינְהוּ! דִּלְמָא מְזַבְּלִי בְּהוּ.

The Gemara raises an objection to the method of eradication of the wheat in Rav Ḥisda's ruling. **But let him say to** the ship owner: **Scatter it.** The Gemara responds: If he scatters it, people might **be caused a mishap by it** if they find kernels of the scattered wheat and gather them for eating. The Gemara challenges: **But** then **let him burn it and scatter it.** Why should it be buried? The Gemara answers: **Perhaps** people will **fertilize** their fields **with it.**

וְלִקְבְּרִינְהוּ בְּעֵינֵייהוּ! מִי לָא תְּנַן: אֶחָד אֶבֶן שֶׁנִּסְקַל בָּהּ, וְאֶחָד עֵץ שֶׁנִּתְלָה עָלָיו, וְאֶחָד סַיִף שֶׁנֶּהֱרַג בּוֹ, וְאֶחָד סוּדָר שֶׁנֶּחֱנַק בּוֹ – כּוּלָּם נִקְבָּרִים עִמּוֹ!

The Gemara challenges: **But let him bury** the wheat **in its unadulterated form. Didn't we learn** in a *baraita* with regard to the instruments used for imposing capital punishment: **The stone with which** a condemned person is **stoned, and the tree on which** his corpse is **hung** after his execution, **and the sword with which** he is **killed, and the scarf with which** he is **strangled, all** of them **are buried** together **with him,**[NH] as it is prohibited to derive benefit from them. The *baraita* does not require that they be burned before they are buried.

הָתָם דְּקָא קָבְרִי בְּבֵי דִינָא, מוּכְחָא מִילְתָא דַּהֲרוּגֵי בֵית דִּין נִינְהוּ; הָכָא לָא מוּכְחָא מִילְתָא, אֵימַר אֵינָשׁ גְּנַב וְאַיְיתֵי קָבְרָא הָכָא.

The Gemara answers: **There, since they are buried in the court** graveyard, **the matter is clear** to all **that these were executed by the court,** so everyone knows that using the instruments of execution is prohibited. **Here, the matter is not clear** to all, as one might **say** to himself that **a person stole** the wheat **and brought** it and **buried** it **here,** and he might thereby come to use it.

NOTES

Donkey drivers, whose wages are great – חַמָּרִין דְּנָפֵישׁ אַגְרֵיהוּ: Some commentaries explain that because their wages are great, they will be easily tempted to transgress this prohibition (see Ra'avad). *Tosafot* explain that because they deal with large quantities, which bring in high fees, their activity is more similar to prohibited commerce in Sabbatical-Year produce, and that this is why the Sages were more stringent with regard to them.

The prohibition is as stringent as the prohibition of wine for a libation – אִיסּוּרָא חָמוּר כְּדִיֵּין נָסֵךְ: Since deriving benefit from nondescript wine of gentiles is prohibited as though it were wine used for a libation, in this sense there is no difference between them.

Since its ritual impurity is lenient – הוֹאִיל וְטוּמְאָתוֹ קִיל: Wine used for a libation imparts ritual impurity in the same manner as a corpse: An olive-bulk of the wine imparts ritual impurity to one who carries it and to one who is under the same roof with it. Furthermore, this impurity has the same degree as a primary source of impurity. By contrast, nondescript wine imparts merely the degree of impurity imparted by impure liquid, which is a lighter degree, and only upon contact. The early commentaries disagree with regard to this matter (see 30b).

Buried with him – נִקְבָּרִים עִמּוֹ: It is a mitzva by Torah law to bury one who was executed by the court, just as it is a mitzva to bury any dead person, as it is written: "You shall bury him the same day" (Deuteronomy 21:23). The Sages derived from this verse the requirement to bury the gallows upon which the corpse of the executed person was hung, or any other instrument of execution, along with the actual corpse.

HALAKHA

Nondescript wine – סְתָם יֵינָן: Just as it is prohibited to derive benefit from nondescript wine and money paid for it, it is prohibited to accept a wage for working with it. Therefore, if one is hired by a gentile for work relating to his nondescript wine, or rents out his donkey or his ship to transport it, or his cellar to store it, those wages or fees are forbidden, in accordance with the statement of Rav Ḥisda. The Rema rules that in the present, the ruling with regard to nondescript wine is lenient, and these stringencies are to be applied only to wine actually used for a libation. The *Shakh*, citing *Beit Yosef*, notes that it is prohibited to be paid to work with or to rent out one's house to store nondescript wine of gentiles *ab initio* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:15–16; *Shulḥan Arukh*, *Yoreh De'a* 133:1).

Go burn it – זִיל קַלֵּינְהוּ: If a Jew is hired by a gentile to work with wine used for a libation, his wages are forbidden, and if he received coins for his wages, he must grind them up and cast the particles to the wind or the sea. If he received produce for his wage, he must cast it into the Dead Sea or burn it and bury the ash in a cemetery (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:16; *Shulḥan Arukh*, *Yoreh De'a* 133:1).

All of them are buried with him – כּוּלָּם נִקְבָּרִים עִמּוֹ: The gallows upon which the corpse of the condemned was hung are buried along with him, so that they will not be a bad omen and people will not say of them: These are the gallows upon which so-and-so was hung. This applies as well to the stone with which one was stoned, the sword with which one was decapitated, or the scarf with which one was strangled. All these instruments of execution are buried alongside the executed, not in the grave itself but next to it (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 15:9).

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דְּבֵי רַבִּי יַנַּאי יָזְפִי פֵּירֵי שְׁבִיעִית מֵעַנְיִים וּפָרְעוּ לְהוּ בַּשְּׁמִינִית, אֲתוּ אֲמַרוּ לֵיהּ לְרַבִּי יוֹחָנָן, אֲמַר לְהוּ: יָאוּת הֵן עָבְדִין;

§ The Sages **of the school of Rabbi Yannai borrowed** Sabbatical-Year **produce from the poor and repaid them in the eighth** year.[N] Others **came** and **said** this **to Rabbi Yoḥanan,** out of concern that by doing so they violated the prohibition against engaging in commerce with Sabbatical-Year produce. Rabbi Yoḥanan **said to them: They are acting properly,**[NH] as this is not considered commerce.

וּכְנֶגְדָּן בְּאֶתְנָן – מוּתָּר. דְּתַנְיָא: נָתַן לָהּ וְלֹא בָּא עָלֶיהָ, בָּא עָלֶיהָ וְלֹא נָתַן לָהּ – אֶתְנָנָהּ מוּתָּר;

And in the corresponding case concerning **payment** to a prostitute for services rendered, it is **permitted** to sacrifice such an animal as an offering. Although the Torah prohibits the sacrifice of an animal used as a prostitute's payment (see Deuteronomy 23:19), in a case similar to this one, it is permitted; **as it is taught** in a *baraita*: If the man **gave** the prostitute payment **but did not engage in intercourse with her,** or if **he engaged in intercourse with her but did not give her** payment, it is **permitted** for **her payment** to serve as an offering.

נָתַן לָהּ וְלֹא בָּא עָלֶיהָ, פְּשִׁיטָא, כֵּיוָן דְּלָא בָּא עָלֶיהָ, מַתָּנָה בְּעָלְמָא הוּא דְּיָהֵיב לָהּ! וְתוּ, בָּא עָלֶיהָ וְלֹא נָתַן לָהּ – הָא לָא יָהֵיב לָהּ וְלָא מִידֵּי, וְכֵיוָן דְּלָא נָתַן לָהּ מַאי ״אֶתְנָנָהּ מוּתָּר״?

The Gemara discusses difficulties with the wording of the *baraita*: If **he gave her** payment **but did not engage in intercourse with her,** isn't it **obvious** that it is permitted? **Since he did not engage in intercourse with her, it is merely a gift that he has given her,** and there is no reason for it to be forbidden. Why does the *baraita* need to state this? **And furthermore,** with regard to the case in the *baraita* where **he engaged in intercourse with her but did not give her** payment, **he did not give her anything, and since he did not give her** payment, **what** is the meaning of the statement that **her payment** is **permitted?**

אֶלָּא הָכִי קָאָמַר: נָתַן לָהּ וְאַחַר כָּךְ בָּא עָלֶיהָ, אוֹ בָּא עָלֶיהָ וְאַחַר כָּךְ נָתַן לָהּ – אֶתְנָנָהּ מוּתָּר.

The Gemara answers: **Rather, this** is what the *baraita* **is saying:** If **he gave her** payment **and afterward,** after some time elapsed, **he engaged in intercourse with her, or** if **he engaged in intercourse with her and afterward,** after some time elapsed, **he gave her** payment, **her payment is permitted,** because the payment was not given proximate to the intercourse. This is also the *halakha* in the case of borrowing Sabbatical-Year produce, i.e., paying for it after time has elapsed is not considered commerce.

נָתַן לָהּ וְאַחַר כָּךְ בָּא עָלֶיהָ, לְכִי בָּא עָלֶיהָ

The Gemara asks: If the *baraita* is referring to a case where **he gave her** payment **and afterward engaged in intercourse with her,** then **when he engaged in intercourse with her,**

NOTES

And repaid them in the eighth year – וּפָרְעוּ לְהוּ בַּשְּׁמִינִית: In this case the poor people involved are consuming produce exchanged for Sabbatical-Year produce, and any food item exchanged for Sabbatical-Year produce is subject to the *halakhot* of the Sabbatical Year.

Properly – יָאוּת: This is because the sanctity of the Sabbatical Year does not apply to the produce of the eighth year, as it was not extant during the Sabbatical Year (Rashi), or because it was not specifically designated to be in exchange for Sabbatical-Year produce when that produce was extant (Ra'avad).

HALAKHA

They are acting properly – יָאוּת הֵן עָבְדִין: It is permitted to borrow Sabbatical-Year produce from the poor and compensate them with produce of the eighth year, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 8:20).

Perek **V**
Daf **63** Amud **a**

HALAKHA

When she sacrificed it first – כְּשֶׁקִּדְּמָה וְהִקְרִיבָתוּ: In the case of one who gave an animal as payment to a prostitute and did not immediately engage in intercourse with her, but he stipulated that the payment would remain with her until he engaged in intercourse with her, the payment becomes prohibited upon the act of intercourse. If she sacrificed it before he engaged in intercourse with her, it is a fit offering, provided that he said to her at the time he gave it to her that he was transferring ownership of it to her from the moment when she would wish it to be hers. If there was no transfer of ownership, she may not sacrifice it, as it is not hers. This is in accordance with the statement of Rabbi Eliezer (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:11).

Just as one's house is in his possession, etc. – מַה בֵּיתוֹ בִּרְשׁוּתוֹ וכו׳: One cannot sanctify an item that does not belong to him, nor can one sanctify an item that is not in his possession (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 6:21–22; see *Shulḥan Arukh*, *Yoreh De'a* 258:7 and *Ḥoshen Mishpat* 354:6).

לֵיחוּל עָלָהּ אִיסּוּר אֶתְנָן לְמַפְרֵעַ! אָמַר רַבִּי אֱלִיעֶזֶר: כְּשֶׁקִּדְּמָה וְהִקְרִיבָתוּ.

the **prohibition** with regard to **payment** to a prostitute **should apply to** the payment **retroactively. Rabbi Eliezer says:** The *baraita* is referring to a situation **when she sacrificed** the payment in the Temple **first,**[H] before the intercourse took place.

הֵיכִי דָּמֵי? אִי דַּאֲמַר לָהּ: ״קְנִי לַיִךְ מֵעַכְשָׁיו״ – פְּשִׁיטָא דְּשָׁרֵי, דְּהָא לֵיתֵיהּ בִּשְׁעַת בִּיאָה, וּמַתָּנָה בְּעָלְמָא הוּא דְּיָהֵיב לָהּ.

The Gemara asks: **What are the circumstances** of such a situation? **If** the circumstances are **that he said to her: Acquire** this payment **from now,** it is **obvious that** it is **permitted** to sacrifice it, **as it is not extant** as payment **at the time of the intercourse, and it is merely a gift that he gave her.** It would not be necessary for the *baraita* to state this.

וְאִי דְּלָא אֲמַר לָהּ: ״קְנִי לַיִךְ מֵעַכְשָׁיו״, הֵיכִי מָצֵי מַקְרְבָה? ״וְאִישׁ כִּי יַקְדִּשׁ אֶת בֵּיתוֹ קֹדֶשׁ״ אָמַר רַחֲמָנָא, מַה בֵּיתוֹ בִּרְשׁוּתוֹ, אַף כֹּל בִּרְשׁוּתוֹ!

And if the circumstances are **that he did not say to her: Acquire** this payment **from now, how can she** be allowed to **sacrifice it? The Merciful One states** in the Torah: **"And when a man shall sanctify his house to be holy to the Lord"** (Leviticus 27:14), from which it is derived that **just as** one's **house is in his possession,**[H] **so too, any** item that a person wishes to consecrate must be **in his possession.** The prostitute cannot consecrate an animal that is not in her possession.

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אֶלָּא, דַּאֲמַר לָהּ: ״לֶהֱוֵי גַּבֵּיךְ עַד שְׁעַת בִּיאָה, וְאִי מִיצְטְרִיךְ לֵיךְ קְנִי מֵעַכְשָׁיו״.

Rather, the *baraita* is referring to a situation **where he said to her: Let** the animal **be with you until the time of intercourse, and if you need it** in the meantime, **acquire** it **from now.** The *baraita* teaches that in this situation she may sacrifice her payment as an offering.

בָּעֵי רַב הוֹשַׁעְיָא: קָדְמָה וְהִקְדִּישָׁתוֹ, מַהוּ? כֵּיוָן דְּאָמַר מָר: אֲמִירָתוֹ לַגָּבוֹהַּ כִּמְסִירָתוֹ לְהֶדְיוֹט – כְּמַאן דְּאַקְרִיבְתֵּיהּ דָּמֵי, אוֹ דִלְמָא הָשְׁתָּא מִיהָא הָא קָאֵי וְאִיתֵּיהּ בְּעֵינֵיהּ?

Rav Hoshaya raises a dilemma: If **she consecrated it first,**[H] before the intercourse, **what is** the *halakha*? **Since the Master said** that **declaration to the Most High is equivalent to transfer to an ordinary** person,[H] i.e., a spoken consecration of an item to the Temple is deemed, in terms of acquisition, like the legal transfer of an item to a person, therefore, since she consecrated it by speech, is it considered **tantamount to having sacrificed it,** and consequently it would be permitted to sacrifice it? **Or perhaps** should it be reasoned that **now,** at the time of the intercourse, **in any event,** the animal **is extant,** i.e., it was not actually sacrificed, and therefore it is prohibited to sacrifice it?

וְתִפְשׁוֹט מִדְּרַבִּי אֱלִיעֶזֶר, דְּאָמַר רַבִּי אֱלִיעֶזֶר: שֶׁקְּדָמָה וְהִקְרִיבָתוֹ; דַּוְקָא הִקְרִיבָתוֹ, אֲבָל הִקְדִּישָׁתוֹ לֹא!

The Gemara suggests: **Resolve** the dilemma **from** the statement **of Rabbi Eliezer, as Rabbi Eliezer says:** The *baraita* is referring to a case **where she sacrificed it first.** By inference, it is referring **specifically** to a case where **she sacrificed it; but** if **she** merely **consecrated it,** then it is **not** permitted to sacrifice the animal, as it is considered in her possession at the time of the intercourse.

דְּרַבִּי אֱלִיעֶזֶר גּוּפֵיהּ קָא מִבָּעְיָא לֵיהּ: מַאי? מִיפְּשַׁט פְּשִׁיטָא לֵיהּ לְרַבִּי אֱלִיעֶזֶר דְּהִקְרִיבָתוֹ דַּוְקָא, אֲבָל הִקְדִּישָׁתוֹ לָא, דְּהָא אִיתֵּיהּ בְּשְׁעַת בִּיאָה? אוֹ דִלְמָא הִקְרִיבָתוֹ פְּשִׁיטָא לֵיהּ, וְהִקְדִּישָׁתוֹ מְסַפְּקָא לֵיהּ? תֵּיקוּ.

The Gemara rejects this resolution: Rav Hoshaya **raises the dilemma** with regard to the statement **of Rabbi Eliezer itself,** asking **what** his intent is: Is it **obvious to Rabbi Eliezer that** the animal is permitted **specifically** in a case where **she sacrificed it, but** in a case where **she** merely **consecrated it,** that is **not** the *halakha,* and the payment is forbidden, **because it is extant** as payment **at the time of** the **intercourse? Or perhaps** does he mention specifically the case where **she sacrificed it** because that case is **obvious to him, but** with regard to the case where **she consecrated it, he is uncertain** whether it is permitted or not, and he therefore did not rule on the matter? The Gemara comments: The dilemma **shall stand** unresolved.

בָּא עָלֶיהָ וְאַחַר כָּךְ נָתַן לָהּ – אֶתְנָנָהּ מוּתָּר. וּרְמִינְהִי: בָּא עָלֶיהָ וְאַחַר כָּךְ נָתַן לָהּ, אֲפִילּוּ מִכָּאן עַד שָׁלֹשׁ שָׁנִים – אֶתְנָנָהּ אָסוּר!

§ The *baraita* teaches: If **he engaged in intercourse with her and afterward,** after some time elapsed, **gave her** payment, **her payment** is **permitted.** The Gemara **raises a contradiction** from another *baraita*: If **he engaged in intercourse with her and afterward gave her** payment, **even from now until three years** afterward, **her payment** is **forbidden.**

אָמַר רַב נַחְמָן בַּר יִצְחָק אָמַר רַב חִסְדָּא, לָא קַשְׁיָא: הָא דְּאָמַר: ״הִתְבַּעֲלִי לִי בְּטָלָה זֶה״, הָא דַּאֲמַר לָהּ: ״הִתְבַּעֲלִי בְּטָלָה״ סְתָם.

Rav Naḥman bar Yitzḥak said that **Rav Ḥisda said:** This is **not difficult. This** case, where it is forbidden, is **where he said** in advance: **Engage in intercourse with me** in exchange **for this lamb.**[H] In this case the lamb is considered to be her property immediately, even if he actually gave it to her only after some time had elapsed. **That** case, where the animal is permitted, is **where he said to her: Engage in intercourse** with me in exchange **for a lamb, without specifying** a particular one. Since he did not specify a particular lamb as the fee, when he later gives her a lamb, it is not deemed payment.

וְכִי אָמַר לָהּ ״בְּטָלָה זֶה״ מַאי הֲוֵי? הָא מְחַסַּר מְשִׁיכָה! בְּזוֹנָה גּוֹיָה, דְּלָא קָנְיָא בִּמְשִׁיכָה. וְאִיבָּעֵית אֵימָא: לְעוֹלָם בְּזוֹנָה יִשְׂרְאֵלִית, וּכְגוֹן דְּקָאֵי בַּחֲצֵירָהּ.

The Gemara asks: **But when he says to her:** In exchange **for this lamb, what of it? Isn't** a formal act of acquisition, such as **pulling** the lamb, **absent**[N] from the transaction? In any case she has not acquired it. The Gemara answers: The reference is **to** the case of **a gentile prostitute, who does not acquire by pulling;** gentiles acquire an item by paying money for it. **And if you wish, say** instead that **actually,** the reference is **to a Jewish prostitute, and** it is a case **where** the lamb is already **standing in her courtyard.** This effected the acquisition as soon as the man stated his intent to give her the lamb, in accordance with the principle that a person acquires that which is within his property.

HALAKHA

If she consecrated it first – קָדְמָה וְהִקְדִּישָׁתוֹ: If one gave an animal as payment to a prostitute, and she consecrated it before he engaged in intercourse with her, and afterward he engaged in intercourse with her, the status of the payment is uncertain, and therefore it should not be sacrificed *ab initio*. If it was sacrificed, it is accepted, since the dilemma is unresolved in the Gemara (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:12).

Declaration to the Most High is equivalent to transfer to an ordinary person – אֲמִירָתוֹ לַגָּבוֹהַּ כִּמְסִירָתוֹ לְהֶדְיוֹט: When one sells an item to the Temple treasury and states his willingness to accept a certain price, he cannot renege or ask for more money, as a declaration to God is equivalent to a transfer to an ordinary person (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 258:13).

In exchange for this lamb, etc. – בְּטָלָה זֶה וכו': In the case of one who engaged in intercourse with a prostitute but did not give her payment, but after a time he gave an animal to her as payment, the animal may not be used as an offering. This *halakha* applies both in the case of a gentile prostitute with whom he stipulated that he would engage in intercourse with her in exchange for a specific animal, as in such a case there is no requirement of acquisition by pulling, and in the case of a Jewish prostitute if the animal was already in her courtyard and he told her that if he did not pay her with money before a certain date she would acquire the animal. But if he said to her: Engage in intercourse with me in exchange for an animal, without specifying a particular one, and he engaged in intercourse with her, and after a time he sent her an animal as payment, the prohibition of the payment of a prostitute does not apply, in accordance with the conclusion of the Gemara (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 4:13).

NOTES

Isn't pulling absent – הָא מְחַסַּר מְשִׁיכָה: This discussion is related to the disagreement between Rabbi Yoḥanan and Reish Lakish in *Bava Metzia* (47b) with regard to the acquisition of movable property. According to the opinion of Rabbi Yoḥanan, acquisition by payment of money is by Torah law, while acquisition by pulling is a rabbinic ordinance. According to the opinion of Reish Lakish, with regard to Jews, only pulling effects acquisition by Torah law.

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אִי דְּקָאֵי בְּחַצֵּירָהּ, בָּא עָלֶיהָ וְאַחַר כָּךְ נָתַן לָהּ? הָא קָנְיָא לָהּ! לָא צְרִיכָא, דְּשָׁוְויֵהּ נִיהֲלָהּ אַפּוֹתֵיקִי, דְּאָמַר לָהּ: אִי מַיְיתִינָא לֵיךְ זוּזֵי מִכָּאן עַד יוֹם פְּלוֹנִי – מוּטָב, וְאִי לָא – שַׁקֶּלֵיהּ בְּאָתְנַיִךְ.

The Gemara challenges: **If** the reference is to a case **where it is standing in her courtyard,** that is not a case where **he engaged in intercourse with her and afterward he gave her** payment, since **it was acquired by her** before he engaged in intercourse with her. The Gemara answers: **No,** it is **necessary** to state this *halakha* with regard to a case **where he rendered** the lamb as **designated payment** [***appoteiki***][NL] **for her,** i.e., a case **where he said to her: If I bring you dinars from now until such and such a day,** all is **well,** and you will return the lamb to me, **but if not, take** the lamb **as your payment.**

מְתִיב רַב שֵׁשֶׁת, אוֹמֵר אָדָם לְחַמָּרָיו וּלְפוֹעֲלָיו: ״לְכוּ וְאִכְלוּ בְּדֵינָר זֶה״, ״צְאוּ וּשְׁתוּ בְּדֵינָר זֶה״, וְאֵינוֹ חוֹשֵׁשׁ

§ The Gemara resumes discussion of the practice of the Sages from the school of Rabbi Yannai, who would borrow produce from the poor during the Sabbatical Year and repay them after the Sabbatical Year, and Rabbi Yoḥanan's ruling that this is permitted, as it is not considered commerce with Sabbatical-Year produce. **Rav Sheshet raises an objection** to this ruling from a *baraita*: **A person may say to his donkey drivers or to his laborers: Go and eat with this dinar,** or: **Go and drink with this dinar, and he does not** need to **be concerned** that his workers will transgress a prohibition with the money he has given them,

Perek **V**
Daf **63** Amud **b**

לֹא מִשּׁוּם שְׁבִיעִית וְלֹא מִשּׁוּם מַעֲשֵׂר וְלֹא מִשּׁוּם יֵין נֶסֶךְ,

neither with regard to the prohibitions concerning **Sabbatical**-Year produce,[N] **nor with regard to** restrictions on the consumption of **tithe, nor with regard to** the prohibition against consumption of **wine** used for **a libation.** This is because whatever food or drink that they acquire, they acquire it of their own volition, and the employer does not bear responsibility for their actions.

וְאִם אָמַר לָהֶם: ״צְאוּ וְאִכְלוּ וַאֲנִי פּוֹרֵעַ״, ״צְאוּ וּשְׁתוּ וַאֲנִי פּוֹרֵעַ״ – חוֹשֵׁשׁ מִשּׁוּם שְׁבִיעִית וּמִשּׁוּם מַעֲשֵׂר וּמִשּׁוּם יֵין נֶסֶךְ;

But if he said to them: Go and eat and I will reimburse you, or: **Go and drink and I will reimburse** you, **he must be concerned with regard to** the possibility that his workers will transgress a prohibition with the money, whether with regard to prohibitions concerning **Sabbatical**-Year produce, **or with regard to** restrictions on the consumption of **tithe, or with regard to** the prohibition against consuming **wine** used for **a libation.** This is because if they acquire forbidden food or drink, it is tantamount to his acquiring these items and giving them to the laborers.

אַלְמָא כִּי קָא פָּרַע – דְּמֵי אִיסּוּר קָא פָּרַע. הָכָא נַמִי, כִּי קָא פָּרַע – דְּמֵי אִיסּוּרָא קָא פָּרַע!

Rav Sheshet infers: **Apparently, when he pays** his laborers after some time has elapsed, it is considered as though **he is paying money for forbidden** items, even though the forbidden items no longer exist. **Here too,** when people borrow Sabbatical-Year produce with the intent of paying for it afterward, **when one pays, he is paying for a forbidden** purchase.

תִּרְגְּמָהּ רַב חִסְדָּא: בְּחָנְוָנִי הַמַּקִּיפוֹ, דְּמִשְׁתַּעְבֵּד לֵיהּ, דְּכֵיוָן דְּאוֹרְחֵיהּ לְאַקּוּפֵי – קָנֵי לֵיהּ דֵּינָר גַּבֵּיהּ.

Rav Ḥisda interpreted this *baraita* **with regard to a storekeeper who** regularly **gives credit to** the employer, so **that** the employer **incurs the debt to him** at the moment the storekeeper gives the food or drink to the laborers. This is **because, since it is his custom to give him credit,** it is considered as though the storekeeper **acquires the dinar from him** at that moment. Therefore, if the laborers bought from him Sabbatical-Year produce, it is considered as though the employer paid his laborers with Sabbatical-Year produce, which is prohibited. Therefore, this case is not comparable to the case of the Sages who borrowed Sabbatical-Year produce.

NOTES

Where he rendered the lamb as designated payment – דְּשָׁוְויֵהּ נִיהֲלָהּ אַפּוֹתֵיקִי: Even if at the time of intercourse he did not transfer ownership of the lamb, and therefore the case is that he engaged in intercourse with her and afterward gave her payment, nevertheless, since he rendered the lamb as designated payment and it is standing in her courtyard, the prohibition concerning a prostitute's payment applies to it retroactively (Rashi).

LANGUAGE

Designated payment [*appoteiki*] – אַפּוֹתֵיקִי: From the Greek ὑποθήκη, *hupothēkē*, meaning collateral or mortgaged property. The Sages took a homiletical approach to understanding this word, explaining it as a contraction of the Aramaic phrase *apo tehe ka'i*, meaning: On this it shall stand, i.e., that this is the mortgaging of a certain item, which serves as collateral for the payment of an obligation.

NOTES

With regard to the prohibitions concerning Sabbatical-Year produce – מִשּׁוּם שְׁבִיעִית: Rashi says this means that he does not need to be concerned that they will purchase produce from one suspected of selling Sabbatical-Year produce, and thereby violate the *halakha* that money bearing the sanctity of the Sabbatical Year may not be given to an *am ha'aretz*. By contrast, the Rid explains that this refers to the concern lest they purchase Sabbatical-Year produce that it is prohibited to consume at all, e.g., produce that was guarded by its owner and not made available to the public, which is forbidden according to his opinion, or produce for which the time designated for its eradication has passed (see *Tosafot*).

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אֲבָל חָנְוָנֵי שֶׁאֵין מַקִּיפוֹ מַאי, מוּתָּר? אִי הָכִי, אַדְּתָנֵי: ״צְאוּ וְאִכְלוּ בְּדִינָר זֶה״, ״צְאוּ וּשְׁתוּ בְּדִינָר זֶה״ – לֵיפְלוֹג וְלֵיתְנֵי בְּדִידָהּ.

The Gemara asks: **But** in the case of **a storekeeper who does not give credit to** the employer, **what** is the *halakha*? Is it **permitted** for the employer to send his laborers to buy food, committing to reimburse them afterward? **If so, rather than** the *tanna* **teaching** that if the employer says: **Go and eat with this dinar,** or: **Go and drink with this dinar,** he does need to be concerned that they will buy forbidden food, **let him distinguish and teach** the distinction **within the** case **itself** where he says: Go and eat and I will reimburse you.

בַּמֶּה דְּבָרִים אֲמוּרִים – בְּחָנְוָנֵי הַמַּקִּיפוֹ, דְּמִשְׁתַּעְבֵּד לֵיהּ, אֲבָל חָנְוָנֵי שֶׁאֵין מַקִּיפוֹ – מוּתָּר!

The *tanna* could teach as follows: **In what** case **is this statement said,** i.e., that if the employer says: I will reimburse you, he cannot allow his laborer to buy forbidden food? It is stated **with regard to** the case of **a storekeeper who** regularly **gives credit to** the employer, such **that** the employer **incurs the debt to him** at the moment the storekeeper gives the food or drink to the laborers. **But** in the case of **a storekeeper who does not give credit to** the employer, it is **permitted** for the employer to instruct his laborers in this manner.

וְעוֹד, חָנְוָנֵי שֶׁאֵין מַקִּיפוֹ מִי לָא מִשְׁתַּעְבֵּד? וְהָאָמַר רָבָא, הָאוֹמֵר לַחֲבֵירוֹ: ״תֵּן מָנֶה לִפְלוֹנִי וְיִקְנוּ כָּל נְכָסַאי לָךְ״ – קָנָה מִדִּין עֲרֵב!

And furthermore, there is another difficulty with this interpretation: In the case of **a storekeeper who does not give credit to** the employer, **does he not incur the debt** to him? **But doesn't Rava say** that in the case of **one who says to another: Give one hundred dinars to so-and-so and all of my property will be transferred to you,**[H] **he acquires** it **by the *halakha* of a guarantor?** Just as a guarantor for another person's loan renders himself liable to pay for someone else's debt, so too, the owner of the property renders himself liable to give the property in exchange for the one hundred dinars that the acquiring party gives that so-and-so. Here too, the employer renders himself liable to pay the storekeeper when the storekeeper gives food to his laborers at his request.

אֶלָּא אָמַר רָבָא: לָא שָׁנָא מַקִּיפוֹ וְלָא שָׁנָא שֶׁאֵין מַקִּיפוֹ, אַף עַל גַּב דְּמִשְׁתַּעְבֵּד לֵיהּ, כֵּיוָן דְּלָא מְיַיחַד שִׁיעְבּוּדֵיהּ לָא מִיתְסַר.

Rather, Rava says: There **is no difference** whether the storekeeper **gives him credit,**[N] **and** there **is no difference** whether **he does not give him credit.** Any commitment to pay causes a liability. But **although he incurs a debt to him, since he does not designate** specific coins as payment for **his debt** the employer's conduct is **not prohibited.** Therefore, the Sages of the school of Rabbi Yannai acted in a permitted manner.

אֶלָּא הָכָא אַמַּאי חוֹשֵׁשׁ מִשּׁוּם שְׁבִיעִית? הָא לָא מְיַיחַד שִׁיעְבּוּדֵיהּ הָכָא! אֲמַר רַב פַּפָּא: כְּגוֹן שֶׁהִקְדִּים לוֹ דִּינָר.

The Gemara asks: **But here,** in the *baraita*, **why** does the employer need to **be concerned with regard to** the prohibitions concerning **Sabbatical**-Year produce? **He does not designate** specific money as payment for **his debt here. Rav Pappa said:** The *baraita* is referring to a case **where** the employer **first** paid the storekeeper **a dinar**[H] for the food he would provide to the laborers, before they actually purchased food. Therefore, the employer is considered to have acquired forbidden items and paid his laborers' wages with them.

אֲמַר רַב כָּהֲנָא: אֲמַרִיתָהּ לִשְׁמַעְתָּא קַמֵּיהּ דְּרַב זְבִיד מִנְּהַרְדְּעָא, אֲמַר לִי: אִי הָכִי, אַדְּתָנֵי: ״צְאוּ וְאִכְלוּ, צְאוּ וּשְׁתוּ, וַאֲנִי פּוֹרֵעַ״ – ״צְאוּ וְאִכְלוּ, צְאוּ וּשְׁתוּ, וַאֲנִי מְחַשֵּׁב״ מִיבָּעֵי לֵיהּ! אֲמַר לֵיהּ, תְּנֵי: ״צְאוּ, וַאֲנִי מְחַשֵּׁב״.

Rav Kahana said: I stated this ***halakha* before Rav Zevid of Neharde'a. He said to me: If so,** if the latter clause of the *baraita* is understood as referring to a case where the employer paid the storekeeper a dinar in advance, **rather than teaching** a case where the employer said to his laborers: **Go and eat, go and drink, and I will reimburse** you, the *tanna* **should have** taught a case where he said: **Go and eat, go and drink, and I will calculate** the amount that should be deducted from the dinar I gave him. Rav Kahana **said to him:** That is not difficult; **teach** the *baraita* as stating: **Go, and I will calculate** the amount that should be deducted from the dinar I gave him.

רַב אַשִׁי אֲמַר: כְּגוֹן שֶׁנְּטָלוֹ וְנָתַן בְּיָדוֹ. אֲמַר לֵיהּ רַב יֵימָר לְרַב אַשִׁי: אִי הָכִי, אַדְּתָנֵי: ״צְאוּ וְאִכְלוּ, צְאוּ וּשְׁתוּ״ – ״טְלוּ וְאִכְלוּ, טְלוּ וּשְׁתוּ״ מִיבָּעֵי לֵיהּ! אֲמַר לֵיהּ, תְּנֵי: ״טְלוּ וְאִכְלוּ, טְלוּ וּשְׁתוּ״.

Rav Ashi said: The *baraita* is referring to a case **where** the employer **took** the food and drink from the storekeeper **and gave** it to the laborers **with** his own **hand. Rav Yeimar said to Rav Ashi: If that is so, rather than teaching** that the employer said: **Go and eat, go and drink,** the *tanna* **should have** taught a case where he said: **Take and eat, take and drink.** Rav Ashi **said to him: Teach** the *baraita* as stating: **Take and eat, take and drink.**

HALAKHA

Give one hundred dinars to so-and-so and all of my property will be transferred to you – תֵּן מָנֶה לִפְלוֹנִי וְיִקְנוּ כָּל נְכָסַאי לָךְ: In a case when one who says to Reuven: Give one hundred dinars to Shimon and all of my property will be transferred to you, once Reuven gives Shimon the one hundred dinars, he has acquired the property (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 1:6; *Shulḥan Arukh*, *Ḥoshen Mishpat* 190:3).

Where he first paid him a dinar – שֶׁהִקְדִּים לוֹ דִּינָר: If one hired gentile laborers and allotted them food rations as part of their wage, it is prohibited for him to give them wine, in accordance with the statement of Rav Ashi. If the employer said to them: Go and drink wine from such and such a storekeeper and I will reimburse you, if he advanced money to the storekeeper, it is prohibited. If he did not advance money to the storekeeper, it is permitted, even if he designated specific coins for the purpose of reimbursing the storekeeper and those coins are extant in the employer's possession. This is in accordance with the statement of Rav Pappa, and with the Rashba's understanding of the statement of Rava, that even if he does designate a specific coin for payment, it is not acquired by the storekeeper. The Rashba explains that the prohibition in the former case applies specifically in a case where the employer said to the storekeeper: Hold this dinar in your possession until you provide drink for the laborers, and I will settle the difference with you at the end. But if he gave it to the storekeeper to spend immediately if he needs to, it is permitted. The *Tur* disagrees with this, and the *halakha* is in accordance with the opinion of the *Tur* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:25; *Yoreh De'a* 132:4 and *Shakh* there; see *Shulḥan Arukh*, *Oraḥ Ḥayyim* 450:6).

NOTES

There is no difference whether he gives him credit, etc. – לָא שָׁנָא מַקִּיפוֹ וכו': This does not present a difficulty with regard to the actions of the Sages of the school of Rabbi Yannai, since although the employer becomes indebted to the storekeeper, no formal act of acquisition was performed between them formalizing the debt, and therefore no prohibition can apply here.

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יָתֵיב רַב נַחְמָן וְעוּלָּא וַאֲבִימִי בַּר פַּפִּי, וְיָתֵיב רַבִּי חִיָּיא בַּר אַמִּי גַּבַּייְהוּ, וְיָתְבִי וְקָא מִיבָּעֲיָא לְהוּ: שְׂכָרוֹ לִשְׁבּוֹר בְּיֵין נָסָךְ, מַהוּ? מִי אָמְרִינַן: כֵּיוָן דְּרוֹצֶה בְּקִיּוּמוֹ – אָסוּר, אוֹ דִלְמָא כָּל לְמַעוּטֵי תִּיפְלָה שַׁפִּיר דָּמֵי?

§ **Rav Naḥman and Ulla and Avimi bar Pappi were sitting, and Rabbi Ḥiyya bar Ami,** who was studying with them, **was sitting among them, and they were sitting and a dilemma was raised before them:** If one **hired** a person **to break** barrels of **wine** used for **a libation** so the wine will spill out, **what is** the *halakha*? **Do we say** that **since he has an interest in the preservation of** the barrels until he breaks them, so that he can be paid for breaking them, his wage is **forbidden, or perhaps** should it be reasoned that **any** action that one performs **to reduce impropriety** [*tifela*][L] **is permitted,** even if he is paid for the actual breaking?

אֲמַר רַב נַחְמָן: יִשְׁבּוֹר וְתָבֹא עָלָיו בְּרָכָה. לֵימָא מְסַייַע לֵיהּ: אֵין עוֹדְרִין עִם הַגּוֹי בִּכְלְאַיִם,

Rav Naḥman said: He may break them, **and let a blessing come upon him.**[H] The Gemara suggests: **Let us say** that a *baraita* **supports** his opinion: **One may not hoe together with a gentile**[H] **in** a field that contains a forbidden mixture of **diverse kinds,**[B]

but one may uproot[N] diverse kinds **with him, in order to reduce impropriety.**

אֲבָל עוֹקְרִין עִמּוֹ, כְּדֵי לְמַעוּטֵי אֶת הַתִּיפְלָה.

סַבְרוּהָ: הָא מַנִּי – רַבִּי עֲקִיבָא הִיא, דְּאָמַר: הַמְקַיֵּים בִּכְלְאַיִם – לוֹקֶה, דְּתַנְיָא: הַמְנַכֵּשׁ וְהַמְחַפֶּה בִּכְלְאַיִם – לוֹקֶה, רַבִּי עֲקִיבָא אוֹמֵר: אַף הַמְקַיֵּים.

The Sages initially **assumed** that in accordance with **whose** opinion **is this** *baraita*? **It is** in accordance with the opinion of **Rabbi Akiva, who says** that not only one who sows or grows diverse kinds, but even **one who maintains diverse kinds, is flogged. As it is taught** in a *baraita*: **One who removes the weeds** interfering with the growth of the plants **or who covers up** the seeds **of diverse kinds**[H] with earth **is flogged. Rabbi Akiva says: Even one who maintains** them instead of actively uprooting them is flogged.

מַאי טַעְמָא דְּרַבִּי עֲקִיבָא? אָמַר קְרָא: ״שָׂדְךָ לֹא תִזְרַע כִּלְאָיִם״, אֵין לִי אֶלָּא זוֹרֵעַ, מְקַיֵּים מִנַּיִן? תַּלְמוּד לוֹמַר: ״לֹא כִלְאָיִם״.

The Gemara asks: **What is the reasoning of Rabbi Akiva?** The Gemara answers: **The verse states: "You shall not sow your field with diverse kinds of seed"** (Leviticus 19:19). **I have** derived **only** the case of **one who sows. From where** is it derived that **one who maintains** diverse kinds also receives lashes? **The verse states: "Not… diverse kinds of seed,"** indicating that there should not be diverse kinds in one's field.

וְאִילּוּ לְמַעוּטֵי תִּיפְלָה – שָׁרֵי!

The Gemara concludes its support for the opinion of Rav Naḥman: It is prohibited to maintain diverse kinds, **but nevertheless,** if one wishes to maintain diverse kinds temporarily in order **to** be paid for uprooting them, thereby **reducing impropriety,** it is **permitted.** Similarly, it is permitted for one to receive payment for breaking barrels of wine used for a libation.

לָא, הָא מַנִּי – רַבָּנַן הִיא.

The Gemara rejects this explanation: **No,** in accordance with **whose** opinion **is this** *baraita*, which deems it permitted for one to uproot diverse kinds with a gentile? **It is** in accordance with the opinion of **the Rabbis,** who permit one to maintain diverse kinds, but prohibit one from maintaining wine used for a libation, so there is no proof from this *baraita* in support of Rav Naḥman's opinion.

LANGUAGE

Impropriety [*tifela*] – תִּיפְלָה: This word appears in several places in the Bible. It describes that which is devoid of taste and substance, or that which is contemptible. In rabbinic language the word refers to matters involving transgression, and it is closely related to the word *tiflut*, which refers to matters involving forbidden sexual relations.

HALAKHA

He may break them, and let a blessing come upon him – יִשְׁבּוֹר וְתָבֹא עָלָיו בְּרָכָה: If a Jew is hired by a gentile to break a barrel of wine used for a libation, even if the Jew wants the barrel to remain intact until he can break it and collect the wage for it, the Jew may collect his wage, and a blessing will come upon him because he is reducing impropriety. This is in accordance with the statement of Rav Naḥman (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:17; *Shulḥan Arukh*, *Yoreh De'a* 133:7).

One may not hoe together with a gentile, etc. – אֵין עוֹדְרִין עִם הַגּוֹי וכו': One may not hoe together with a gentile in a field that contains forbidden diverse kinds, but one may uproot them with him (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 5:5; *Shulḥan Arukh*, *Yoreh De'a* 296:1).

BACKGROUND

Diverse kinds – כִּלְאַיִם: This general term refers to many types of forbidden mixtures: Mixtures of wool and linen, crossbreeding of livestock, food crops in a vineyard, and a mixture of seeds. The *baraita* is discussing the prohibition of a mixture of seeds, i.e., planting different species of crops in one area of the same field (see Leviticus 19:19).

Perek **V**
Daf **64** Amud **a**

NOTES

One may uproot – עוֹקְרִין: According to Rashi, this means uprooting all of the diverse kinds in order to destroy them. The relevant point is that although the laborer desires the preservation of the crops until he uproots them, it is nevertheless permitted. The Ra'avad understands this differently and explains that the uprooting here refers to culling, i.e., uprooting some of the plants growing crowded together, which causes other plants to grow stronger. According to his opinion, although the laborer performs labor that actively maintains the diverse kinds, nevertheless, since he is destroying some of them it is permitted (see Meiri).

HALAKHA

One who removes the weeds or who covers up the seeds of diverse kinds – הַמְנַכֵּשׁ וְהַמְחַפֶּה בִּכְלְאַיִם: One who sows diverse kinds, or who removes the weeds interfering with their growth, or who covers up seeds of diverse kinds with earth is flogged, in accordance with the ruling of the *baraita* (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 1:2, 5:2; *Shulḥan Arukh*, *Yoreh De'a* 296:1).

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אִי רַבָּנַן, מַאי אִירְיָא עוֹקְרִין? אֲפִילּוּ קַיְּימֵי נַמִּי שַׁפִּיר דָּמֵי! הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן דְּקָא עָבֵיד בְּחִנָּם, וְרַבִּי יְהוּדָה הִיא, דְּאָמַר: לִיתֵּן לָהֶם מַתָּנַת חִנָּם אָסוּר.

The Gemara asks: **If** the *baraita* is in accordance with the opinion of **the Rabbis, why** does the *tanna* **specifically** permit **uprooting** with a gentile? **Even maintaining**[H] the diverse kinds is **permitted.** The Gemara answers: **Here we are dealing with** a case **where he performed** the uprooting **unpaid, and it is** in accordance with the opinion of **Rabbi Yehuda, who says** that **giving an unpaid gift to** a gentile is **prohibited.**

מִדְּרַבִּי יְהוּדָה נִשְׁמַע לְרַבִּי עֲקִיבָא, לָאו אָמַר רַבִּי יְהוּדָה: אָסוּר לִיתֵּן לָהֶם מַתָּנַת חִנָּם, אֲבָל לְמַעוּטֵי תִּיפְלָה שַׁפִּיר דָּמֵי; לְרַבִּי עֲקִיבָא נַמִּי, אַף עַל גַּב דְּאָמַר רַבִּי עֲקִיבָא: הַמְקַיֵּים בְּכִלְאַיִם לוֹקֶה, לְמַעוּטֵי תִּיפְלָה שַׁפִּיר דָּמֵי. וְתוּ לָא מִידֵּי.

The Gemara reasons that Rav Naḥman's ruling can in any event be proven from this *baraita*: **From** the opinion **of Rabbi Yehuda we may understand** the *halakha* **according to** the opinion of **Rabbi Akiva. Doesn't Rabbi Yehuda say** that **it is prohibited to give** a gentile **an unpaid gift, but to reduce impropriety** he holds that it is **permitted** to work with a gentile? The same can be said **according to Rabbi Akiva as well: Although Rabbi Akiva says** that **one who maintains diverse kinds is flogged,** he presumably holds that if the purpose is **to reduce impropriety,** it is **permitted.** The Gemara concludes: **And nothing more** is to be said on this matter.

הֲדוּר יָתְבִי וְקָמְבָּעְיָא לְהוּ: דְּמֵי עֲבוֹדָה זָרָה בְּיַד גּוֹי, מַהוּ? מִי תּוֹפֶסֶת דָּמֶיהָ בְּיַד גּוֹי אוֹ לֹא?

§ Rav Naḥman, Ulla, Avimi bar Pappi, and Rabbi Ḥiyya bar Ami **were sitting again and a dilemma was raised before them:** With regard to **the proceeds from** the sale of an object of **idol worship** that are **in the possession of a gentile,** who sold the object to another, **what is** the *halakha*? **Does** the object of idol worship **transfer** its forbidden status **to the money** that is **in the possession of a gentile,** as it would to money in the possession of a Jew, **or not?**

אֲמַר לְהוּ רַב נַחְמָן: מִסְתַּבְּרָא, דְּמֵי עֲבוֹדָה זָרָה בְּיַד גּוֹי מוּתָּרִין, מִדְּאָתוּ דַּאֲתוּ לְקַמֵּיהּ דְּרַבָּה בַּר אֲבוּהּ, אֲמַר לְהוּ: זִילוּ זַבְּנוּ כָּל מַה דְּאִית לְכוּ וְתוּ אִיתְגַּיְירוּ,

Rav Naḥman said to them: It stands to reason that **the proceeds from** the sale of an object of **idol worship in the possession of a gentile**[H] **are permitted.** This may be proven **from certain** gentiles **who came before Rabba bar Avuh** to convert. Rabba bar Avuh **said to them: Go sell everything that you have,** including your objects of idol worship, **and** then **come** back to me to **convert.**

מַאי טַעְמָא? מִשּׁוּם דְּקָסָבַר: דְּמֵי עֲבוֹדָה זָרָה בְּיַד גּוֹי מוּתָּרִין. וְדִלְמָא שָׁאנֵי הָתָם, דְּכֵיוָן דְּדַעְתֵּיהּ לְאִיגַּיּוּרֵי וַדַּאי בְּטֵלָה!

What is the reason he gave this advice? Isn't it **because he maintains** that **the proceeds from** the sale of an object of **idol worship in the possession of a gentile are permitted,** and therefore he suggested they sell the objects of idol worship so they could derive benefit from the money after they converted? The Gemara rejects this proof: **But perhaps it is different there, as since** their **intention is to convert,** they **certainly revoked** the idolatrous status of these objects, and when they sold them they were selling permitted items.

אֶלָּא מֵהָכָא: יִשְׂרָאֵל שֶׁהָיָה נוֹשֶׁה בְּגוֹי מָנֶה, וּמָכַר עֲבוֹדָה זָרָה וְהֵבִיא לוֹ, יֵין נָסָךְ וְהֵבִיא לוֹ – מוּתָּר; אֲבָל אִם אָמַר לוֹ: ״הַמְתֵּן לִי עַד שֶׁאֶמְכּוֹר עֲבוֹדָה זָרָה וְאָבִיא לָךְ, יֵין נָסָךְ וְאָבִיא לָךְ״ – אָסוּר.

Rather, proof may be brought **from here,** as it is taught in a *baraita*: In the case of **a Jew who was a creditor to a gentile**[H] for the amount of **one hundred dinars, and** the gentile **sold** an object of **idol worship and** from the proceeds **brought him** the payment of the debt, or sold **wine** used for **a libation and** from the proceeds **brought him** the payment of the debt, the money is **permitted. But if** the gentile **said to him: Wait for me until I sell** an object of **idol worship and** from the proceeds **I will bring you** the payment of the debt, or: Wait until I sell **wine** used for **a libation and** from the proceeds **I will bring you** the payment of the debt, this money is **forbidden.** This proves that the proceeds of an object of idol worship in the possession of a gentile are permitted.

HALAKHA

Even maintaining, etc. – אֲפִילּוּ קַיְּימֵי נַמִּי וכו׳: It is prohibited to maintain seeds of diverse kinds in one's field; one is obligated to uproot them. One who maintains them is not flogged, in accordance with the statement of the Rabbis (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 1:3).

The proceeds from idol worship in the possession of a gentile – דְּמֵי עֲבוֹדָה זָרָה בְּיַד גּוֹי: A Jew may derive benefit from the proceeds of the sale of objects of idol worship sold by a gentile, as long as it is known that the gentile sold them for the purpose of his daily needs and there is no concern that he may have sold them for the purpose of purchasing other objects of idol worship in their place, in which case the money would be considered to have been earmarked for idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:18; *Shulḥan Arukh*, *Yoreh De'a* 144:1, and 149:5 in the comment of Rema).

A Jew who was a creditor to a gentile, etc. – יִשְׂרָאֵל שֶׁהָיָה נוֹשֶׁה בְּגוֹי וכו׳: In a case where a Jew is owed money by a gentile, and the gentile sold objects of idol worship or wine used for a libation and repaid his debt with that money, the money is permitted to the Jew. But if the gentile said: Wait until I sell the objects of idol worship or the wine used for a libation and I will repay you, it is prohibited, because the Jew then desires the preservation of the object of idol worship so that his debt will be repaid, in accordance with the *baraita* and the statement of Rav Sheshet. The Rema, citing *Tosafot*, rules that the prohibition in the case where the Jew desires their preservation applies only if there is no other money with which the gentile can repay him. The *Shakh*, citing the Ra'avad, distinguishes between the case where the Jewish creditor has the right to demand immediate payment but he willingly delays accepting repayment, in which case it is prohibited, and the case where the Jew does not, in which case it is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:21; *Shulḥan Arukh*, *Yoreh De'a* 132:7).

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מַאי שְׁנָא רֵישָׁא וּמַאי שְׁנָא סֵיפָא? אֲמַר רַב שֵׁשֶׁת: סֵיפָא, מִשּׁוּם דַּהֲוָה לֵיהּ כִּי רוֹצֶה בְּקִיּוּמוֹ.

The Gemara asks: **What is different** in **the first clause** that it is permitted,[N] **and what is different** in **the latter clause** that it is forbidden? **Rav Sheshet said:** In **the latter clause** the proceeds are forbidden **because** the Jew **desires the preservation of** the object of idol worship or wine used for a libation, since he knows that the gentile must sell it in order to repay the debt.

וְכִי רוֹצֶה בְּקִיּוּמוֹ כְּהַאי גַּוְונָא מִי אָסִיר? וְהָתְנַן: גֵּר וְגוֹי שֶׁיָּרְשׁוּ אֲבִיהֶן גּוֹי, גֵּר יָכוֹל לוֹמַר לוֹ: ״טוֹל אַתָּה עֲבוֹדָה זָרָה וְאָנִי מָעוֹת״, ״טוֹל אַתָּה יֵין נָסֶךְ וְאָנִי פֵּירוֹת״; אִם מִשֶּׁבָּאוּ לִרְשׁוּת הַגֵּר – אָסוּר!

The Gemara asks: **And if he desires its preservation in a case like this,**[N] **is** the money **forbidden? But didn't we learn** in a mishna (*Demai* 6:10): In the case of **a convert and a gentile who inherited from their gentile father,**[H] the **convert can say to** his gentile brother: **You take** the objects of **idol worship and I** will take the **money,** or: **You take the wine** used for **a libation and I** will take the **produce;** but **if** they make this exchange **after** the property **came into the possession of the convert,** it is **forbidden.**

אָמַר רָבָא בַּר עוּלָּא: מַתְנִיתִין, בַּעֲבוֹדָה זָרָה הַמִּתְחַלֶּקֶת לְפִי שִׁבְרָיהּ.

Rava bar Ulla said: The ruling of the **mishna** is stated **with regard to** an object of **idol worship** whose value **can be distributed among its shards,** i.e., even if it were broken to pieces its value would remain, so the convert does not desire its preservation.

תֵּינַח עֲבוֹדָה זָרָה, יַיִן נָסֶךְ מַאי אִיכָּא לְמֵימַר? בְּחֶרֶס הַדְּרָיָנִי.

The Gemara asks: This resolution **works out well** in the case of objects of **idol worship,** but with regard to **wine** used for **a libation, what is there to say?** There is no situation in which the convert does not desire the preservation of the wine until the exchange. The Gemara answers: The ruling of the mishna is stated **with regard to Hadrianic earthenware** permeated with wine used for a libation. Since the wine can be extracted by soaking the earthenware in water, the convert does not desire that the vessel remain intact.

וְהַלֹּא רוֹצֶה בְּקִיּוּמוֹ שֶׁלֹּא יִגָּנְבוּ וְשֶׁלֹּא יֹאבְדוּ! אֶלָּא אָמַר רַב פַּפָּא, יְרוּשַׁת הַגֵּר קָאָמְרַתְּ? שָׁאנֵי יְרוּשַׁת הַגֵּר, דַּאֲקִילוּ בָּהּ רַבָּנַן, גְּזֵירָה שָׁמָּא יַחֲזוֹר לְקִלְקוּלוֹ.

The Gemara asks: **But doesn't he desire its preservation** in the sense **that it should not be stolen or lost? Rather, Rav Pappa said** that there is a different resolution: **You say** there is a difficulty from the case of **the inheritance of a convert? The inheritance of a convert is different, as the Sages were lenient with regard to it,** as a rabbinic **decree, lest he return to his corrupted** ways if it were prohibited for him to inherit property from his father. In the case of one who is not a convert and desires the preservation of an object of idol worship, it is prohibited for him to profit from it.

NOTES

What is different in the first clause that it is permitted – מַאי שְׁנָא רֵישָׁא: Rashi explains that the dilemma was resolved from the ruling of the *baraita*, and the Gemara is now clarifying a secondary issue.

And if he desires its preservation in a case like this – וְכִי רוֹצֶה בְּקִיּוּמוֹ כְּהַאי גַּוְונָא: His interest is not in order to profit, but in order to avoid losing his portion and to rescue it from the gentile (*Torat Ḥayyim*).

HALAKHA

A convert and a gentile who inherited from their gentile father – גֵּר וְגוֹי שֶׁיָּרְשׁוּ אֲבִיהֶן גּוֹי: In the case of a convert and a gentile who inherited from their gentile father, the convert may say to the gentile: You take the objects of idol worship and I will take the money, or: You take the wine used for a libation and I will take the oil. But if the items had already come into the convert's possession, he may not derive benefit from them, in accordance with the mishna (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:5 and *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:22; *Shulḥan Arukh*, *Yoreh De'a* 146:4).

Perek **V**
Daf **64** Amud **b**

תַּנְיָא נַמִּי הָכִי: בַּמֶּה דְּבָרִים אֲמוּרִים – שֶׁיָּרְשׁוּ, אֲבָל נִשְׁתַּתְּפוּ – אָסוּר.

This is also taught in a *baraita*: **In what** case **is this statement,** that a convert and a gentile are permitted to divide up common property that includes objects of idol worship, **said?** This is said with regard to property **that they inherited; but** if **they were partners,** it is **prohibited.**[H]

הֲדוּר יָתְבוּ וְקָמִיבָּעְיָא לְהוּ: גֵּר תּוֹשָׁב מַהוּ שֶׁיְּבַטֵּל עֲבוֹדָה זָרָה? דְּפָלַח – מְבַטֵּיל, דְּלָא פָּלַח – לָא מְבַטֵּיל. אוֹ דִלְמָא כָּל דְּבַר מִינֵיהּ מְבַטֵּיל, וְהַאי בַּר מִינֵיהּ הוּא?

§ The Gemara mentions another discussion among Rav Naḥman, Ulla, Avimi bar Pappi, and Rav Ḥiyya bar Ami. **They were sitting again and a dilemma was raised before them:** With regard to **a gentile who resides in Eretz Yisrael and observes the seven Noahide mitzvot** [*ger toshav*],[B] including the prohibition against engaging in idol worship, **what is** the *halakha* with regard to the possibility **that he can revoke** the status of objects of **idol worship?** Is it the case that one **who worships** idols **can revoke** the status of one, but one **who does not worship** them **cannot revoke** the status of one?[H] **Or perhaps** should it be reasoned that **anyone who is of the same kind** as idol worshippers, i.e., a gentile, **can revoke** its status, **and** a *ger toshav* **is of the same kind** as idol worshippers?

HALAKHA

But if they were partners it is prohibited – אֲבָל נִשְׁתַּתְּפוּ אָסוּר: If a convert and a gentile are business partners, the convert cannot offer to divide the assets in such a way that the gentile will take the objects of idol worship and the convert the permitted items, as the Jew then would desire the preservation of the items of idol worship. This ruling is in accordance with the *baraita* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:22).

One who does not worship cannot revoke it – דְּלָא פָּלַח לָא מְבַטֵּיל: A gentile who does not worship idols, e.g., a *ger toshav*, cannot nullify objects of idol worship, in accordance with the statement of Rav Naḥman. The Rema, citing the *Beit Yosef*, rules that because of this, Muslims, who are not idolaters, cannot nullify objects of idol worship (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 146:5).

BACKGROUND

***Ger toshav* – גֵּר תּוֹשָׁב:** A gentile who seeks to reside permanently in Eretz Yisrael is required to accept and observe certain mitzvot. There are several opinions with regard to the extent of the commitment required. Some authorities require only acceptance of the prohibition against idol worship. Others require him to observe virtually all the prohibitions, with the exception of prohibitions against consumption of certain foods. Most opinions require him to observe the seven Noahide mitzvot.

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אֲמַר לְהוּ רַב נַחְמָן: מִסְתַּבְּרָא, דְּפָלַח – מְבַטֵּיל, דְּלָא פָּלַח – לָא מְבַטֵּיל.

Rav Naḥman said to them: It stands to reason that one **who worships** idols **can revoke** the status of one, but one **who does not worship** them **cannot revoke** the status of one.

מֵיתִיבִי: יִשְׂרָאֵל שֶׁמָּצָא עֲבוֹדָה זָרָה בַּשּׁוּק, עַד שֶׁלֹּא בָּאתָה לְיָדוֹ – אוֹמֵר לְגוֹי וּמְבַטְּלָהּ, מְשֶׁבָּאתָה לְיָדוֹ – אֵינוֹ אוֹמֵר לְגוֹי וּמְבַטְּלָהּ, מִפְּנֵי שֶׁאָמְרוּ: גּוֹי מְבַטֵּל עֲבוֹדָה זָרָה שֶׁלּוֹ וְשֶׁל חֲבֵירוֹ, בֵּין עוֹבְדָהּ וּבֵין שֶׁאֵין עוֹבְדָהּ;

The Gemara **raises an objection** to this ruling from a *baraita*: In the case of **a Jew who found** an object of **idol worship in the marketplace, as long as it has not** yet **come into his possession, he can tell a gentile, and** the gentile **can revoke** its idolatrous status. **Once it has come into his possession,**[H] **he cannot tell a gentile and** have the gentile **revoke** its status. This applies to any gentile, **because** the Sages **said: A gentile can revoke** the status of **his own** object of **idol worship or that of another** gentile, **whether he worships it or whether he does not worship it.**

מַאי ״עוֹבְדָהּ״, וּמַאי ״שֶׁאֵינוֹ עוֹבְדָהּ״? אִילֵימָא אִידִי וְאִידִי גּוֹי – הֵיינוּ ״שֶׁלּוֹ וְשֶׁל חֲבֵירוֹ״! אֶלָּא לָאו ״עוֹבְדָהּ״ – גּוֹי, וּמַאי ״שֶׁאֵינוֹ עוֹבְדָהּ״ – גֵּר תּוֹשָׁב, וּשְׁמַע מִינַּהּ: גֵּר תּוֹשָׁב נָמֵי מְבַטֵּל!

What is meant by the phrase: **Worships it, and what** is meant by the phrase: **Does not worship it? If we say** both **this and that** are referring to **a gentile, this is** the same as the previous statement in the *baraita*, that a gentile can revoke the status of **his own** object of idol worship **or that of another** gentile, i.e., an object that he worships or one that another gentile worships. **Rather, isn't it** to be understood that the phrase: **Worships it,** is referring to **a gentile? And what** is the meaning of the phrase: **Does not worship it?** It is referring to **a *ger toshav*,** who does not worship any idols. **And learn from it** that **a *ger toshav* can also revoke** the status of objects of idol worship.

לָא, לְעוֹלָם אֵימָא לָךְ: אִידִי וְאִידִי גּוֹי; וּדְקָאָמְרַתְּ: הֵיינוּ ״שֶׁלּוֹ וְשֶׁל חֲבֵירוֹ״! רֵישָׁא – זֶה וְזֶה לִפְעוֹר וְזֶה לְמַרְקוּלִיס, סֵיפָא – זֶה לִפְעוֹר וְזֶה לְמַרְקוּלִיס.

The Gemara rejects this explanation. **No, actually, I will say to you** that **this** phrase **and that** phrase are both referring to **a gentile, and** with regard to that **which you say,** that **this is** the same as the statement concerning **his** object of idol worship **or that of another** gentile, it can be explained as follows: **The first clause** is referring to a case where both gentiles worship the same idol, e.g., **this** one **and that** one both worship **Peor, or this** one **and that** one both worship **Mercury,** and the *baraita* is teaching that one can revoke the status of an idol that belongs to the other. **The latter clause,** which distinguishes between one who worships it and one who does not worship it, is referring to a case where **this** one worships **Peor and that** one worships **Mercury,**[H] indicating that an idolater can revoke the status of an idol that he does not worship at all, but only if he is himself an idolater, as opposed to a *ger toshav*.

מֵיתִיבִי: אֵיזֶהוּ גֵּר תּוֹשָׁב? כָּל שֶׁקִּיבֵּל עָלָיו בִּפְנֵי שְׁלֹשָׁה חֲבֵרִים שֶׁלֹּא לַעֲבוֹד עֲבוֹדָה זָרָה, דִּבְרֵי רַבִּי מֵאִיר.

The Gemara **raises an objection** from a *baraita*: **Who is a *ger toshav*?**[H] It is **anyone who has accepted upon himself before three *ḥaverim*,** i.e., people devoted to the meticulous observance of mitzvot, especially *halakhot* of ritual purity, *teruma*, and tithes, **not to worship idols.** This is **the statement of Rabbi Meir.**

וַחֲכָמִים אוֹמְרִים: כָּל שֶׁקִּיבֵּל עָלָיו שֶׁבַע מִצְוֹת שֶׁקִּבְּלוּ עֲלֵיהֶם בְּנֵי נֹחַ.

And the Rabbis say: Anyone who has accepted upon himself observance of the **seven mitzvot that the descendants of Noah accepted upon themselves** is a *ger toshav*.

אֲחֵרִים אוֹמְרִים: אֵלּוּ לֹא בָּאוּ לִכְלַל גֵּר תּוֹשָׁב, אֶלָּא אֵיזֶהוּ גֵּר תּוֹשָׁב? זֶה גֵּר אוֹכֵל נְבֵילוֹת, שֶׁקִּבֵּל עָלָיו לְקַיֵּים כָּל מִצְוֹת הָאֲמוּרוֹת בַּתּוֹרָה חוּץ מֵאִיסּוּר נְבֵילוֹת.

Others say: These have not entered the category of *ger toshav*.[N] **Rather, who is a *ger toshav*? This is a convert** who **eats** unslaughtered **animal carcasses,** which are not kosher, but **who has accepted upon himself to observe all of the mitzvot that are stated in the Torah except for the prohibition** against eating unslaughtered **carcasses.**

מְיַחֲדִין אָצְלוֹ יַיִן, וְאֵין מַפְקִידִין אָצְלוֹ יַיִן וַאֲפִילּוּ בְּעִיר שֶׁרּוֹבָּהּ יִשְׂרָאֵל, אֲבָל מְיַחֲדִין אָצְלוֹ יַיִן וַאֲפִילּוּ בְּעִיר שֶׁרּוֹבָּהּ גּוֹיִם. שַׁמְנוֹ כְּיֵינוֹ.

The *baraita* continues: Whatever the definition of a *ger toshav*, the following *halakhot* apply to him: **One may leave him alone with wine**[H] briefly without Jewish supervision with no concern that he might use it for a libation, thereby rendering it forbidden to Jews, as he is not an idol worshipper. **But one may not deposit wine with him** for an extended period of time, lest he exchange it with the wine of a gentile, which is forbidden. **And** this applies **even in a town that has a Jewish majority. But one may leave him alone with wine** briefly without Jewish supervision **even in a town with a majority of gentiles. His oil is** treated **like his wine** in terms of its permissibility.

HALAKHA

Once it has come into his possession, etc. – מְשֶׁבָּאתָה לְיָדוֹ וכו׳: Once a Jew has acquired an object of idol worship that belonged to a gentile, its status as an object of idol worship can no longer be revoked. The *Shakh*, citing the *Baḥ*, writes that even if the Jew did not actually acquire it, but found it prior to its owner despairing of finding it, its status cannot be revoked (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 8:8; *Shulḥan Arukh*, *Yoreh De'a* 146:2).

This one worships Peor and that one worships Mercury – זֶה לִפְעוֹר וְזֶה לְמַרְקוּלִיס: A gentile can nullify an object of idol worship even if he worships a different idol and not that particular object (*Shulḥan Arukh*, *Yoreh De'a* 146:5).

Who is a *ger toshav* – אֵיזֶהוּ גֵּר תּוֹשָׁב: A *ger toshav* is a gentile who has taken upon himself, in the presence of three *ḥaverim*, the observance of the seven Noahide mitzvot. This is his status with regard to the mitzva to sustain him and other mitzvot as well. With regard to his wine and his handling of a Jew's wine, any gentile who is known to not worship idolatry is equivalent to a *ger toshav*, in accordance with the statement of Rav Yehuda on the following *amud* (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4, 6; *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:7; and *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 8:10; *Shulḥan Arukh*, *Yoreh De'a* 124:2).

One may leave him alone with wine, etc. – מְיַחֲדִין אָצְלוֹ יַיִן וכו׳: With regard to a *ger toshav*, and similarly, a gentile who does not worship idolatry, e.g., a Muslim, it is permitted to leave wine with him in the domain of a Jew for a brief time, approximately twenty minutes, even in a town in which a majority of the residents are gentiles, and even if the Jew notifies the gentile that he is leaving. One may not deposit wine with the gentile in the latter's house, or even in a gentile's presence in a Jew's house for an extended duration, and if one did so, it is prohibited to drink the wine, though one may derive benefit from it, in accordance with the *baraita* and the statement of Rav Yehuda on the following *amud* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:7, 13:12; *Shulḥan Arukh*, *Yoreh De'a* 128:1).

NOTES

These have not entered the category of *ger toshav* – אֵלּוּ לֹא בָּאוּ לִכְלַל גֵּר תּוֹשָׁב: The *tanna'im* referred to as: Others, hold that since every gentile is obligated to observe the seven Noahide commandments, including the prohibition against idol worship, this cannot qualify one for the designation of *ger toshav*.

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שַׁמְנוֹ כְּיֵינוֹ סָלְקָא דַּעְתָּךְ? שֶׁמָּן מִי קָא חָזֵי יֵין נָסֵךְ?! אֶלָּא, יֵינוֹ כְּשַׁמְנוֹ.

The Gemara interjects: **His oil is like his wine?** Can this **enter your mind? Does** the **oil** of a gentile **become,** i.e., assume the status of, **wine** used for **a libation? Rather,** the *baraita* should be emended as follows: **His wine is like his oil.**[NH] It is permitted to derive benefit from it, but not to consume it.

וְלִשְׁאָר כָּל דָּבָר – הֲרֵי הוּא כְּגוֹי. רַבָּן שִׁמְעוֹן אוֹמֵר: יֵינוֹ יֵין נָסֵךְ, וְאָמְרִי לָהּ: מוּתָּר בִּשְׁתִיָּה.

The *baraita* continues: **And with regard to all other matters,** a *ger toshav* **is** treated **like a gentile. Rabban Shimon says: His wine is** treated like **wine** used for **a libation.**[N] **And some say** he says: Even **drinking** it is **permitted.**[N]

קָתָנֵי מִיהָא: וְלִשְׁאָר כָּל דָּבָר הֲרֵי הוּא כְּגוֹי; לְמַאי הִלְכְתָא? לָאו דִּמְבַטֵּל עֲבוֹדָה זָרָה כְּגוֹי? אָמַר רַב נַחְמָן בַּר יִצְחָק: לָא, לִיתֵּן רְשׁוּת וּלְבַטֵּל רְשׁוּת,

The Gemara comments on the *baraita*: **In any event,** the *baraita* **teaches: And with regard to all other matters,** a *ger toshav* **is** treated **like a gentile. With regard to what *halakha*** is this stated? Is it **not** teaching **that he can revoke** the status of an object of **idol worship as a gentile** can? **Rav Naḥman bar Yitzḥak says: No,** it is stated with regard to **giving** away rights in **a domain or renouncing** rights in **a domain** in the context of the *halakhot* of joining houses in courtyards for Shabbat.

וְכִדְתַנְיָא: יִשְׂרָאֵל מְשׁוּמָּד, מְשַׁמֵּר שַׁבָּתוֹ בַּשּׁוּק – מְבַטֵּל רְשׁוּת, שֶׁאֵין מְשַׁמֵּר שַׁבָּתוֹ בַּשּׁוּק – אֵין מְבַטֵּל רְשׁוּת, מִפְּנֵי שֶׁאָמְרוּ: יִשְׂרָאֵל נוֹתֵן רְשׁוּת וּמְבַטֵּל רְשׁוּת.

And this is **as it is taught** in a *baraita*: **An apostate Jew**[H] who nevertheless **observes his Shabbat in the marketplace,** i.e., in public, **can renounce** his rights in a shared **domain** so the other Jews in the domain may carry in it on Shabbat, but an apostate **who does not observe his Shabbat** even **in the marketplace cannot renounce** his rights in **a domain, because** the Sages **said** that only **a Jew can give** away rights in his **domain**[N] **or renounce** his rights in his **domain,**[H] and this applies in the context of joining houses in courtyards on Shabbat.

וּבְגוֹי – עַד שֶׁיִּשְׁכּוֹר, כֵּיצַד? אוֹמֵר לוֹ: ״רְשׁוּתִי קְנוּיָה לְךָ״, ״רְשׁוּתִי מְבוּטֶלֶת לְךָ״ – קָנָה, וְאֵין צָרִיךְ לְזַכּוֹת.

But with regard to a gentile, this is not effective **unless** the Jew **leases** his domain[H] in the courtyard. **How so?** A Jew **may say to** another Jew: **My** rights in this **domain** are hereby **acquired by you,** or: **My** rights in this **domain** are hereby **renounced to you,** and the other Jew thereby **acquires** those rights, **and it is not necessary** for him **to take possession** of it through a formal act of acquisition.

רַב יְהוּדָה שְׁדַר לֵיהּ קוּרְבָּנָא

The Gemara relates: **Rav Yehuda**[P] **sent a gift**

NOTES

Rather his wine is like his oil – אֶלָּא יֵינוֹ כְּשַׁמְנוֹ: Just as it is permitted to derive benefit from his oil but it was not permitted to consume it, as at that time consuming a gentile's oil was still considered forbidden, so is the *halakha* with regard to the wine of the *ger toshav*. The reason for this, according to the Ra'avad, is either the concern lest a gentile handle the wine, or the concern lest such interaction lead to intermarriage.

His wine is wine used for a libation – יֵינוֹ יֵין נָסֵךְ: This is not because of the convert himself, since he does not pour libations from it, but because he is not stringent about other gentiles handling it.

Drinking it is permitted – מוּתָּר בִּשְׁתִיָּה: There is no concern with regard to his handling the wine, as he does not engage in idol worship and certainly is careful with regard to another gentile handling it. Moreover, although the ordinance rendering the wine of gentiles prohibited is also due to the concern of intermarriage, its main motivation is to distance Jews from idolatry. Since the *ger toshav* does not worship idolatry, although it is prohibited to marry him, the main reason for the ordinance does not apply (Ra'avad).

Can give his domain, etc. – נוֹתֵן רְשׁוּת וכו': If the residents of a courtyard or an alleyway did not all join their houses, then any resident who has an entrance that is open to the courtyard or alleyway prevents the others from carrying within it on Shabbat. The Sages stated that a Jew living in the courtyard can renounce his domain in favor of the others, and then it is permitted for all of the residents to carry within the courtyard or alleyway.

PERSONALITIES

Rav Yehuda – רַב יְהוּדָה: This is Rav Yehuda bar Yeḥezkel, who was one of the great Babylonian Sages of the second generation of *amora'im* and studied under both Rav and Shmuel. Shmuel's love and respect for Rav Yehuda were such that he often spoke highly of him and even remarked in admiration: This cannot be an ordinary mortal. Following Shmuel's death, Rav Yehuda was appointed head of the Neharde'a yeshiva in his stead. He moved the yeshiva to his hometown of Pumbedita, where it remained for over seven hundred years, producing many great Torah scholars.

HALAKHA

His wine is like his oil – יֵינוֹ כְּשַׁמְנוֹ: With regard to a *ger toshav* or any gentile who does not worship idolatry, it is prohibited to drink the wine, though one may derive benefit from it, in accordance with the statement of the Sages. With regard to wine owned by a Jew that they handled, the *Shulḥan Arukh* adopts the position of the Rashba that it is prohibited to drink it, but the Rema cites the opinion of the Rosh and the *Tur* to be lenient (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 11:7; *Shulḥan Arukh*, *Yoreh De'a* 124:2, 6).

An apostate Jew – יִשְׂרָאֵל מְשׁוּמָּד: A Jew who sins by engaging in idol worship or by desecrating Shabbat in public has a status like that of a gentile and does not join houses with other residents of a courtyard for Shabbat purposes, nor can he nullify his domain for Shabbat purposes; rather, his domain must be leased as from a gentile. One who desecrates Shabbat in private has the status of a Jew (Rambam *Sefer Zemanim*, *Hilkhot Eiruvin* 2:16; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 385:3, and see *Mishna Berura* there).

A Jew can give his domain or renounce his domain – יִשְׂרָאֵל נוֹתֵן רְשׁוּת וּמְבַטֵּל רְשׁוּת: If a resident of a courtyard forgot to join houses with the others, this renders it prohibited for them to carry items within the courtyard on Shabbat. He can rectify this by renouncing his domain, by stating: My domain is transferred to you, or: My domain is renounced in your favor. It is not necessary to perform an act of acquisition by means of a cloth (Rambam *Sefer Zemanim*, *Hilkhot Eiruvin* 2:1; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 380:1).

With regard to a gentile this is not effective unless the Jew leases his domain – בְּגוֹי עַד שֶׁיִּשְׁכּוֹר: In the case where two Jews live in a courtyard, and each of them has his own house, and they would each render it prohibited for the other to carry items in the courtyard on Shabbat if they did not join their houses, then if there was a gentile in the courtyard with them, his renouncement of his domain is not effective to remedy this, and their only remedy is to lease his domain (Rambam *Sefer Zemanim*, *Hilkhot Eiruvin* 2:10; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 382:1).

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לַאֲבִידַרְנָא בְּיוֹם אִידָם, אֲמַר: יָדַעְנָא בֵּיהּ דְּלָא פָּלַח לַעֲבוֹדָה זָרָה. אֲמַר לֵיהּ רַב יוֹסֵף, וְהָתַנְיָא: אֵיזֶהוּ גֵּר תּוֹשָׁב? כָּל שֶׁקִּיבֵּל עָלָיו בִּפְנֵי שְׁלֹשָׁה חֲבֵרִים שֶׁלֹּא לַעֲבוֹד עֲבוֹדָה זָרָה! כִּי תַּנְיָא הַהִיא – לְהַחֲיוֹתוֹ.

to a gentile named **Avidarna on their festival day.** Rav Yehuda **said: I know of him that he does not worship**[H] **idols,** so he is not considered a gentile with regard to the prohibition against giving a gift to a gentile on their festival. **Rav Yosef said to him: But isn't it taught** in a *baraita*: **Who is a *ger toshav*?** It is **anyone who has accepted upon himself before three *ḥaverim* to not worship idols.** Avidarna had not accepted this upon himself before three Jews. Rav Yehuda replied to him: **When that *baraita* is taught,** it is with regard to the mitzva **to sustain him.**[HN]

וְהָאָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: גֵּר תּוֹשָׁב שֶׁעָבְרוּ עָלָיו שְׁנֵים עָשָׂר חֹדֶשׁ וְלֹא מָל, הֲרֵי הוּא כְּמִין שֶׁבְּאוּמּוֹת! הָתָם כְּגוֹן שֶׁקִּיבֵּל עָלָיו לָמוּל וְלֹא מָל.

Rav Yosef further objected: **But doesn't Rabba bar bar Ḥana say** that **Rabbi Yoḥanan says: A *ger toshav*** for **whom twelve months passed**[H] **without** him **circumcising** himself **is considered as a heretic of the gentiles,**[N] and certainly this Avidarna is not circumcised. Rav Yehuda replied: **There,** Rabbi Yoḥanan is referring to a case **where** the gentile who desired to become a *ger toshav* **took it upon himself to become circumcised, but** he recanted and **did not circumcise** himself, and in such a case it is assumed that he did not circumcise himself due to apostasy. Generally, in the case of a *ger toshav* who did not take this upon himself, this is not required of him.

רָבָא אַמְטֵי לֵיהּ קוּרְבָּנָא לְבַר שֵׁישַׁךְ בְּיוֹם אִידָם, אֲמַר: יָדַעְנָא בֵּיהּ דְּלָא פָּלַח לַעֲבוֹדָה זָרָה. אֲזַל אַשְׁכְּחֵיהּ דְּיָתֵיב עַד צַוָּארֵיהּ בְּוָורְדָא וְקַיְימָן זוֹנוֹת עֲרוּמּוֹת קָמֵיהּ, אֲמַר לֵיהּ: אִית לְכוּ כְּהַאי גַּוְונָא לְעָלְמָא דְּאָתֵי? אֲמַר לֵיהּ: דִּידָן עֲדִיפָא טְפֵי מֵהַאי. אֲמַר לֵיהּ: טְפֵי מֵהַאי מִי הֲוָה? אֲמַר לֵיהּ: אַתּוּן אִיכָּא עֲלַיְיכוּ אֵימָתָא דְּמַלְכוּתָא, אֲנַן לָא תֵּיהֱוֵי עֲלַן אֵימְתָא דְּמַלְכוּתָא. אֲמַר לֵיהּ: אֲנָא מִיכָּא מַאי אֵימָתָא דְּמַלְכוּתָא אִיכָּא עָלַי?

The Gemara relates: **Rava**[P] **brought a gift to** a minister named **bar Sheshakh**[P] **on their festival day.** Rava **said: I know of him that he does not worship idols.** Rava **went** to him and **found him sitting up to his neck in rose** water, **and naked prostitutes were standing before him.** Bar Sheshakh **said to him: Do you have** anything as fine **as this in the World-to-Come?** Rava **said to him: Ours is better than this.** Bar Sheshakh **said to him: Is there** anything **finer than this?** Rava **said to him: You have the fear of the government upon you; we will not have the fear of the government upon us** in the World-to-Come. Bar Sheshakh **said to him:** As for **me, in any event, what fear of the government is there upon me?** I am a powerful man.

עַד דְּיָתְבִי אֲתָא הַהוּא פְּרִיסְתָּקָא דְּמַלְכָּא, אֲמַר לֵיהּ: קוּם, דְּקָבְעֵי לָךְ מַלְכָּא! כִּי נָפֵיק וְאָזֵיל, אֲמַר לֵיהּ: עֵינָא דְּבָעֵי לְמֵיחֲזֵי לְכוּ בִּישׁוּתָא תִּיפְקַע, אֲמַר לֵיהּ רָבָא: אָמֵן, פְּקַע עֵינֵיהּ דְּבַר שֵׁישַׁךְ.

While they were sitting, a certain royal officer [*peristaka*][L] **came** and **said to** bar Sheshakh: **Rise, as the king requires you** to appear before him. **As he was going out, he said to** Rava: May any **eye that wishes to see evil upon you burst,** as it is clear that you were correct. **Rava said to him: Amen.** And then **bar Sheshakh's eye burst.**

אֲמַר רַב פַּפִּי, אִיבָּעֵי לֵיהּ לְמֵימְרָא לֵיהּ מֵהַאי קְרָא: ״בְּנוֹת מְלָכִים בְּיִקָּרוֹתָיִךְ נִצְבָה שֵׁגַל לִימִינֵךְ בְּכֶתֶם אוֹפִיר״. אֲמַר רַב נַחְמָן בַּר יִצְחָק, אִיבָּעֵי לֵיהּ לְמֵימְרָא לֵיהּ מֵהָכָא: ״עַיִן לֹא רָאֲתָה אֱלֹהִים זוּלָתֶךָ יַעֲשֶׂה לִמְחַכֵּה לוֹ״.

Rav Pappi said: Rava **should have said** a response **to him from this verse: "Kings' daughters are among your favorites; at your right hand stands the queen in gold of Ophir"** (Psalms 45:10), indicating that in the World-to-Come, the daughters of kings will serve the Jewish people. **Rav Naḥman bar Yitzḥak said: He should have said** a response **to him from here:** The reward of the Jewish people will be such that **"no eye has seen it,**[N] **God, aside from You, Who will do for those who await Him"** (Isaiah 64:3).

HALAKHA

I know of him that he does not worship – יָדַעְנָא בֵּיהּ דְּלָא פָּלַח: It is prohibited to send a gift to a gentile on a festival day of idol worship unless one knows that the gentile does not recognize and worship idols, in accordance with the incident related in the Gemara involving Rav Yehuda and Avidarna, and the incident involving Rava and bar Sheshakh (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 9:2; *Shulḥan Arukh*, *Yoreh De'a* 148:5).

To sustain him – לְהַחֲיוֹתוֹ: It is a mitzva to sustain a *ger toshav*. In addition, one should perform kindness with him as one would with a Jew (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4, 6; *Sefer Kinyan*, *Hilkhot Zekhiya UMattana* 3:11; and *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 8:10).

A *ger toshav* for whom twelve months passed, etc. – גֵּר תּוֹשָׁב שֶׁעָבְרוּ עָלָיו שְׁנֵים עָשָׂר חֹדֶשׁ וכו׳: Whoever accepted upon himself to be circumcised and did not become circumcised is considered a heretic among the nations, in accordance with the statement of Rabba bar bar Ḥana (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 8:10).

NOTES

To sustain him – לְהַחֲיוֹתוֹ: This mitzva is based on the verse: "And if your brother become poor, and his means fail with you; then you shall uphold him: As a stranger and a settler [*ger vetoshav*] shall he live with you" (Leviticus 25:35). In addition, the verse states with regard to the unslaughtered animal carcass: "You may give it to the stranger [*ger*] that is within your gates, that he may eat it; or you may sell it to a foreigner" (Deuteronomy 14:21), from which it is derived that there is a mitzva to give the carcass to a *ger toshav* as a gift (Rambam).

As a heretic of the gentiles – כְּמִין שֶׁבְּאוּמּוֹת: Some commentaries explain that heretics are passionate idol worshippers who intentionally defy the will of God (Ra'ah). Rashi states that the term heretics refers to priests of idol worship. The Rambam writes in *Hilkhot Avoda Zara* (2:5) that heretics are those who stray after the thoughts of their hearts and concern themselves with foolish matters, which leads them to transgress the Torah.

No eye has seen it – עַיִן לֹא רָאֲתָה: In other words, a state of existence beyond what humans can know and imagine is the reward promised to those who fulfill God's will (and see Rashi).

LANGUAGE

Officer [*peristaka*] – פְּרִיסְתָּקָא: From the Middle Iranian frēstak, meaning emissary.

PERSONALITIES

Rava – רָבָא: Rava, one of the most important *amora'im* of the fourth generation in Babylonia, was the son of Rav Yosef bar Ḥama and a colleague of Abaye. Rava was born in the town of Meḥoza, where he studied Torah under Rav Naḥman bar Ya'akov and Rav Ḥisda. Rava considered Rav Yosef his primary teacher and would depart from his company by walking backward, a practice that caused multiple injuries to his heels. Upon Rav Yosef's death, Abaye was chosen to succeed Rav Yosef as head of the yeshiva of Pumbedita. Rava subsequently opened a new yeshiva in Meḥoza.

Bar Sheshakh – בַּר שֵׁישַׁךְ: Some scholars have suggested this might be a Persian title, but it appears to be a given name. The political structure in Persia, particularly in the Parthian period, but in the Sassanid period to some extent as well, was a kind of feudal structure, in which the high nobility enjoyed almost complete liberty. At times, they became essentially independent rulers in their respective regions, and this explains how bar Sheshakh could claim that the fear of the government was not upon him.

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HALAKHA

Transport one hundred barrels for me, etc. – הַעֲבֵר לִי מֵאָה חָבִיּוֹת וכו׳: If a gentile who hires a Jewish laborer to transport one hundred barrels of liquor for a fee of one hundred *perutot*, and it turns out that one of the barrels contained wine, the entire fee is forbidden because it includes the equivalent of one *peruta* of wine used for a libation. If the number of barrels of wine is such that the fee for transporting each of them is less than one *peruta*, it is permitted after the fact (Rashba). If the employer said: Transport each barrel for one *peruta*, and it turns out one of the barrels contained wine, the fee for transporting that barrel is forbidden but the rest is permitted. One should not enter into such an arrangement *ab initio* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:18; *Shulḥan Arukh*, *Yoreh De'a* 133:3).

A gentile who rents a Jew's donkey, etc. – הַשּׂוֹכֵר אֶת הַחֲמוֹר וכו׳: One who rents a donkey for riding may place on it his own garment, a water jug, and food for that trip without restrictions from the driver. The owner of the donkey may load food for the donkey and personal provisions for that day. The renter may prevent him from loading any more than that. This *halakha* applies in a case where there is food for sale at every stop along the way. If not, even the driver may place food for the entire trip on the donkey. In cases where the prevailing local customs are different, the local custom takes precedence (Rambam *Sefer Mishpatim*, *Hilkhot Sekhirut* 4:8; *Shulḥan Arukh*, *Ḥoshen Mishpat* 308:3).

NOTES

Can we say to him: Deduct the fee of his jug – מִי אָמְרִינַן לֵיהּ נְכִי לֵיהּ אַגְּרָא דְּלַגְּינָתוֹ: Even if he did not load the jug on the donkey because the donkey was weak and unable to bear its weight, in any event the renter is not entitled to deduct any money from the rental fee, as the driver can say: You hired the donkey to ride on, and you can ride on it (*Tosefot Rid*).

״שְׂכָרוֹ לַעֲשׂוֹת עִמּוֹ מְלָאכָה אַחֶרֶת״. וְאַף עַל גַּב דְּלָא אֲמַר לֵיהּ לְעִיתּוֹתֵי עֲרֵב.

§ The mishna teaches: If the gentile **hired him to do other work with him,** even if he said to him while he was working with him: Transport the barrel of wine used for a libation for me from this place to that place, his wage is permitted, i.e., it is permitted for the Jew to derive benefit from the money. The Gemara notes that this formulation of the mishna indicates that this wage is permitted **even if** the gentile **did not say to him** to transport the barrel of wine **toward evening,** i.e., toward the end of his workday.

וּרְמִינְהִי: הַשּׂוֹכֵר אֶת הַפּוֹעֵל, וּלְעִיתּוֹתֵי עֲרֵב אָמַר לוֹ: ״הַעֲבֵר חָבִית שֶׁל יַיִן זֶה מִמָּקוֹם לְמָקוֹם״ – שְׂכָרוֹ מוּתָּר; טַעְמָא דַּאֲמַר לֵיהּ לְעִיתּוֹתֵי עֲרֵב – אִין, כּוּלֵּי יוֹמָא – לָא!

And the Gemara **raises a contradiction** from a *baraita*: In the case of **one who hires a laborer, and toward evening** the employer **said to him: Transport** this **barrel of wine** used for **a libation from** this **place to** that **place, his wage** is **permitted.** By inference, **the reason** for this ruling is **that** the employer **said** it **to him toward evening,** and therefore **yes,** it is permitted, as it is clear that he has completed the labor for which he is being paid and the wage is not for moving the barrel. But if this happened during **the entire day,** not toward evening, this would **not** be permitted.

אָמַר אַבַּיֵי: כִּי תְּנַן נַמִּי מַתְנִיתִין – דַּאֲמַר לְעִיתּוֹתֵי עֲרֵב תְּנַן. רָבָא אָמַר: לָא קַשְׁיָא, הָא דַּאֲמַר לֵיהּ: ״הַעֲבֵר לִי מֵאָה חָבִיּוֹת בְּמֵאָה פְּרוּטוֹת״, הָא דַּאֲמַר לֵיהּ: ״הַעֲבֵר לִי חָבִית חָבִית בְּפְרוּטָה״;

Abaye said: When we learned this in **the mishna as well, we learned** this with regard to the case **where** the employer **said** this **toward evening. Rava said:** This is **not difficult. This** case, where the wage is forbidden if it was not toward evening, is a case **where** the employer **said to him: Transport one hundred barrels for me**[H] **for one hundred *perutot,*** in which case moving all of the barrels is considered a single task, and if one of the barrels was wine used for a libation, the entire wage is forbidden. **That** case, in which the wage is permitted in any event, is a case **where** the employer **said to him: Transport each barrel for me for one *peruta,*** such that each barrel is its own task.

וְהָתַנְיָא: הַשּׂוֹכֵר אֶת הַפּוֹעֵל, וְאָמַר לוֹ: ״הַעֲבֵר לִי מֵאָה חָבִיּוֹת בְּמֵאָה פְּרוּטוֹת״, וְנִמְצֵאת חָבִית שֶׁל יַיִן נָסָךְ בֵּינֵיהֶן – שְׂכָרוֹ אָסוּר, ״חָבִית חָבִית בְּפְרוּטָה״, וְנִמְצֵאת חָבִית שֶׁל יַיִן נָסָךְ בֵּינֵיהֶן – שְׂכָרוֹ מוּתָּר.

And so **it is taught** in a *baraita*: In the case of **one who hires a laborer and said to him: Transport one hundred barrels for me for one hundred *perutot,* and a barrel of wine** used for **a libation was found among them, his wage** is **forbidden.** But if the employer said to him: Transport **each barrel for one *peruta,* and there was a barrel of wine** used for **a libation among them, his wage** is **permitted.**

״הַשּׂוֹכֵר אֶת הַחֲמוֹר לְהָבִיא עָלָיו יַיִן נָסָךְ – שְׂכָרוֹ אָסוּר״. הָא תּוּ לָמָּה לִי? הֵיינוּ רֵישָׁא! סֵיפָא אִיצְטְרִיכָא לֵיהּ: שְׂכָרָהּ לֵישֵׁב עָלָיו, אַף עַל פִּי שֶׁהִנִּיחַ גּוֹי לְגִינּוֹ עָלָיו – שְׂכָרוֹ מוּתָּר.

§ The mishna teaches: With regard to a gentile **who rents** a Jew's **donkey**[H] **to carry wine** used for **a libation on it, its** rental **fee** is **forbidden.** The Gemara asks: **Why do I** need **this additional** clause? **This is** the same as **the first clause,** as the principle is the same; only the example is different. The Gemara answers: **It was necessary to** teach **the latter clause** in order to teach that if the gentile **rented** the donkey **to sit upon it, even if the gentile placed his jug** of wine used for a libation **on it, its** rental **fee** is **permitted.**

לְמֵימְרָא, דְּלָגִין לָאו דִּינָא הוּא לְאוֹתּוּבֵי.

The Gemara asks: **Is this to say that it is not the legal right** of the renter **to place a jug** upon the donkey, and therefore placing the jug on the donkey was not included in the rental?

וּרְמִינְהִי: הַשּׂוֹכֵר אֶת הַחֲמוֹר – שׂוֹכֵר מַנִּיחַ עָלָיו כְּסוּתוֹ וּלְגִינָתוֹ וּמְזוֹנוֹתָיו שֶׁל אוֹתוֹ הַדֶּרֶךְ, מִכָּאן וְאֵילָךְ חַמָּר מְעַבֵּב עָלָיו; חַמָּר מַנִּיחַ עָלָיו שְׂעוֹרִים וְתֶבֶן וּמְזוֹנוֹתָיו שֶׁל אוֹתוֹ הַיּוֹם, מִכָּאן וְאֵילָךְ שׂוֹכֵר מְעַכֵּב עָלָיו!

And the Gemara **raises a contradiction** to this from a *baraita*: With regard to **one who rents a donkey** to ride on, the **renter may place on it his garment, his water jug, and his food for that journey. Beyond those** items, the **donkey driver,** who would take the renter on the journey, **may prevent him** from placing anything on the animal by saying that he does not wish to further burden the donkey. The **donkey driver may place on it barley and hay** for the donkey **and his food for that** first **day** alone. **Beyond those** items, the **renter may prevent him** from placing anything on the animal, on the grounds that it will inhibit its progress.

אַמַּר אַבַּיֵי: נְהִי דְּלָגִין דִּינָא הוּא לְאוֹתּוּבֵי, מֵיהָא אִי לָא מוֹתִיב לֵיהּ, מִי אָמְרִינַן לֵיהּ: נְכִי לֵיהּ אַגְּרָא דְּלַגְּינָתוֹ?

Abaye said: Granted that it is the legal right of the renter **to place a jug** upon the donkey, but **in any event, if he does not place it** on the donkey, **can we say to** the driver: **Deduct the fee of his jug**[N] from the rental? Since the donkey driver will not deduct any amount from the rental fee if he does not place the jug on the donkey, therefore, even if he does place it, the rental fee is not forbidden.

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הֵיכִי דָּמֵי? אִי דִּשְׁכִיחַ לְמִזְבַּן – חַמָּר נַמִּי לְעַבּוֹבֵי, וְאִי דְּלָא שְׁכִיחַ לְמִזְבַּן – שׁוֹכֵר נַמִּי לָא לְעַבּוֹבֵי!

With regard to the main point of the *baraita*, the Gemara asks: **What are the circumstances?**[N] **If** locations in which one is able **to purchase** provisions on the way **are common,** the **donkey driver can also prevent** the renter from putting provisions on the donkey for the entire journey, **and if** locations in which one is able **to purchase** provisions along the way **are uncommon,** the **renter cannot prevent** the driver from taking his provisions for the journey **either.**

אֲמַר רַב פַּפָּא: לָא צְרִיכָא, דְּשְׁכִיחַ לְמִיטְרַח וּלְמִזְבַּן מֵאוֹנָא לְאוֹנָא; חַמָּר דַּרְכֵּיהּ לְמִיטְרַח וּלְמִזְבַּן, שׁוֹכֵר לָאו דַּרְכֵּיהּ לְמִיטְרַח וּלְמִזְבַּן.

Rav Pappa said: No, it is **necessary** to teach this *halakha* with regard to a case **where** locations in which one is able **to go to the trouble of purchasing** provisions **are common between station and station,** i.e., one can find locations to purchase provisions along the way, but only with difficulty. **A donkey driver is accustomed to troubling himself to purchase** provisions along the way, so it is not permitted for him to pack provisions for the entire journey on the donkey. **A renter is not accustomed to troubling himself to purchase** provisions along the way, so he is allowed to pack all of his provisions.

אֲבוּהּ דְּרַב אַחָא בְּרֵיהּ דְּרַב אִיקָא

The Gemara relates: **The father of Rav Aḥa, son of Rav Ika,**

NOTES

What are the circumstances – הֵיכִי דָּמֵי: This question aims to clarify the *baraita* itself and understand why it distinguishes between the renter and the driver with regard to their rights in the use of the donkey.

Perek **V**
Daf **65** Amud **b**

הֲוָה שָׁפֵיךְ לְהוּ חַמְרָא לְגוֹיִם, וְאָזֵיל מַעֲבַר לְהוּ מַעְבָּרָא, וְיָהֲבוּ לֵיהּ גּוּלְפֵי בְּאַגְרָא. אֲתוּ אֲמַרוּ לֵיהּ לְאַבַּיֵי, אֲמַר לְהוּ: כִּי קָא טָרַח – בְּהֶתֵּירָא קָא טָרַח.

would pour wine which he sold **to gentiles** into their wineskins **and go** and **ferry them over the crossing, and they would give him** the **jugs** in which the wine had been stored **as payment.** The jugs that the wine had been stored in were included in the sale, and the gentiles would pay him by returning the jugs. People **came** and **told Abaye** that Rav Ika was accepting a wage from the wine of gentiles. Abaye **said to them: When he labored, he labored with permitted** wine, since he was pouring kosher wine into the wineskins, and only subsequently the wine was rendered forbidden by being in the possession of the gentiles.

וְהָא רוֹצֶה בְּקִיּוּמוֹ, דְּלָא נִצְטְרוּ זִיקֵי! דְּמַתְנֵי בַּהֲדַיְיהוּ; אִי נַמִּי, דְּמַיְיתוּ פְּרִיסְדָּקֵי בַּהֲדַיְיהוּ.

The Gemara asks: **But doesn't he desire the preservation of** the wine in the wineskins in **that the wineskins should not be torn,** as he would then need to return the jugs he received in payment? The Gemara answers: It is a case **where he stipulated with** the gentile purchasers that even if the wineskins were to tear it would be at their expense and not his, and he would keep the jugs in any event. **Alternatively,** it is a case **where** the gentile purchasers **brought barrels** [*perisdakei*][L] **with them,** so that they could pour the wine into them should the wineskins be torn.

וְהָא קָא מַעֲבַר לְהוּ מַעְבָּרָא, דְּקָא טָרַח בְּאִיסּוּרָא! דַּאֲמַר לֵיהּ לְמַבְרוֹיֵי מֵעִיקָּרָא; אִי נַמִּי, דִּנְקִיטִי בֵּיהּ קִיטְרֵי.

The Gemara asks: **But didn't he ferry them over the crossing, which is laboring with forbidden** wine?[N] The Gemara answers: This is not a case where he was ferrying the wine over the crossing himself, **as he** made an arrangement with the ferrymen and **said to the ferryman initially** that the latter would ferry the buyers and the barrels without payment. **Alternatively,** it was a case **where he held** special signal **knots**[N] **in** collusion with the ferryman that he would ferry these people without payment. In any event, he was not laboring for them himself.

LANGUAGE

Barrels [*perisdakei*] – פְּרִיסְדָּקֵי: The source of this word is unclear. Some explain that it originated from Greek. In Syriac it means empty. In this context, it means that the customers would bring spare empty vessels with them.

Talmudic-era wine barrel from Eretz Yisrael

NOTES

Which is laboring with forbidden wine – דְּקָא טָרַח בְּאִיסּוּרָא: The Ra'avad explains that even if one does not receive a fee for ferrying the wineskins over the crossing, in any event he is laboring with items from which it is prohibited to derive benefit, and this itself is prohibited, as it is explained in the Jerusalem Talmud that it is prohibited to labor with wine used for a libation even without receiving payment (Meiri).

Knots – קִיטְרֵי: These knots served as a sort of chit for the customers, and whoever had such a knot would not be charged a fee at all or, according to the Ra'avad, was given a discount. Since Rav Ika provided these knots to the customers before the transaction was formalized, he did not deal with the wine at all after it was rendered forbidden (Rashi).

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NOTES

On figs or on dates – עַל גַּבֵּי תְּאֵנִים אוֹ עַל גַּבֵּי תְּמָרִים: Figs and dates usually have some cracks in them when they are ripe, so that the wine is absorbed into them even if they are not markedly cracked.

Rava permitted selling it – שָׁרְיֵיהּ רָבָא לְזַבּוּנֵיהּ: Some understand this in accordance with its straightforward meaning, that Rava permitted the sale of the wheat because the forbidden substance was absorbed and not recognizable in it, and if wine used for a libation is mixed with an item that is not of the same species, e.g., grapes, it does not render it prohibited to derive benefit from the item. Others explain that it was nondescript wine, which is prohibited by rabbinic law (Mordekhai), and Rava instructed them to sell it excluding the wine that was in it (see Ritva and Meiri).

Shrouds for a corpse with no one to bury it [*met mitzva*] – תַּכְרִיכִין לְמֵת מִצְוָה: There is no prohibition involved, because the Sages interpreted the verse: "Free among the dead" (Psalms 88:6), to mean that when a person dies he becomes free of the mitzvot, and therefore it is permitted to shroud him in a garment of mixed fibers.

PERSONALITIES

Boethus ben Zunen – בְּיתוֹס בֶּן זוּנִין: Boethus was an important and wealthy man who lived in the town of Lod in the time of Rabban Gamliel of Yavne. This mishna indicates that he was an importer, and other sources indicate that he owned much real estate as well. It appears that he was close to the house of the ethnarchs, and because he was stringent about acting in accordance with the *halakha*, his conduct was often cited as evidence of *halakhot*. This Boethus may have been the son of the Zunen who was appointed as an official by Rabban Gamliel. Boethus had a son named Zunen, who may be the same Zunen mentioned as studying under Rabbi Yehuda HaNasi. That Zunen is described as an important personage, well versed in the ways of the world in the days of Rabbi Yehuda HaNasi.

BACKGROUND

The mishna is incomplete and this is what it is teaching – חַסּוּרֵי מִיחַסְּרָא וְהָכִי קָתָנֵי: This method of explanation is found often in the Gemara. The addition introduced by the Gemara is an elaboration upon that which is written in the mishna, based on various difficulties raised in the Gemara that render the mishna in its original form incoherent or inconsistent with another authoritative source. The addition provides the necessary clarification.

מתני׳ יֵין נֶסֶךְ שֶׁנָּפַל עַל גַּבֵּי עֲנָבִים – יַדִּיחֵן וְהֵן מוּתָּרוֹת, וְאִם הָיוּ מְבוּקָּעוֹת – אֲסוּרוֹת. נָפַל עַל גַּבֵּי תְּאֵנִים אוֹ עַל גַּבֵּי תְּמָרִים, אִם יֵשׁ בָּהֶן בְּנוֹתֵן טַעַם – אָסוּר. וּמַעֲשֶׂה בְּבִיתוֹס בֶּן זוּנִין שֶׁהֵבִיא גְּרוֹגָרוֹת בִּסְפִינָה, וְנִשְׁתַּבְּרָה חָבִית שֶׁל יֵין נֶסֶךְ וְנָפַל עַל גַּבֵּיהֶן, וְשָׁאַל לַחֲכָמִים וְהִתִּירוּם.

MISHNA In the case of **wine** used for **a libation that fell on grapes,**[H] **one rinses them and they are permitted. But if** the grapes **were cracked, they are forbidden.** In a case where the wine **fell on figs**[H] **or on dates,**[N] **if there is** sufficient wine **in them to impart flavor, they are forbidden. And** there was **an incident involving Boethus ben Zunen,**[P] **who transported dried figs in a ship, and a barrel of wine** used for **a libation broke and fell on them, and he asked the Sages** as to the *halakha*, **and** the Sages **deemed** the figs **permitted.**

זֶה הַכְּלָל: כָּל שֶׁבְּהֲנָאָתוֹ בְּנוֹתֵן טַעַם – אָסוּר, כָּל שֶׁאֵין בְּהֲנָאָתוֹ בְּנוֹתֵן טַעַם – מוּתָּר, כְּגוֹן חוֹמֶץ שֶׁנָּפַל עַל גַּבֵּי גְּרִיסִין.

This is the principle: Anything that benefits from a forbidden item **imparting flavor** to it, i.e., the forbidden item contributes a positive taste to it, is **forbidden,** and **anything that does not benefit** from a forbidden item **imparting flavor** to it is **permitted, such as** forbidden **vinegar that fell onto** split **beans,**[H] as the flavor imparted by the vinegar does not enhance the taste of the beans.

גמ׳ מַעֲשֶׂה לִסְתּוֹר? חַסּוּרֵי מִיחַסְּרָא וְהָכִי קָתָנֵי: אִם נוֹתֵן טַעַם לְפָגָם הוּא – מוּתָּר. וּמַעֲשֶׂה נַמִּי בְּבִיתוֹס בֶּן זוּנִין שֶׁהָיָה מֵבִיא גְּרוֹגָרוֹת בִּסְפִינָה, וְנִשְׁתַּבְּרָה חָבִית שֶׁל יֵין נֶסֶךְ וְנָפַל עַל גַּבֵּיהֶן, וּבָא מַעֲשֶׂה לִפְנֵי חֲכָמִים וְהִתִּירוּם.

GEMARA The Gemara asks with regard to the incident related in the mishna: Was **an incident** cited **to contradict** the *halakha* stated immediately before it? The Gemara answers: The mishna **is incomplete, and this** is what **it is teaching:**[B] **If** the wine **imparts flavor to** the **detriment** of the mixture, the food is **permitted. And** there was **also an incident involving Boethus ben Zunen, who was transporting dried figs in a ship, and a barrel of wine** used for **a libation broke and fell on them, and the incident came before the Sages, and** the Sages **deemed** the figs **permitted** because the flavor given by the wine did not enhance their taste but was instead to their detriment.

הַהוּא כְּרֵי דְּחִטֵּי דְּנָפַל עֲלֵיהּ חָבִיתָא דְּיֵין נֶסֶךְ, שָׁרְיֵיהּ רָבָא לְזַבּוּנֵיהּ לְגוֹיִם.

The Gemara relates: There was an incident involving **a certain heap of wheat upon which a barrel of wine** used for **a libation fell. Rava permitted selling it**[N] **to gentiles,** as deriving benefit from it is not prohibited.

אֵיתִיבֵיהּ רַבָּה בַּר לֵיאִי לְרָבָא: בֶּגֶד שֶׁאָבַד בּוֹ כִּלְאַיִם – הֲרֵי זֶה לֹא יִמְכְּרֶנּוּ לְגוֹי, וְלֹא יַעֲשֶׂנּוּ מִרְדַּעַת לַחֲמוֹר, אֲבָל עוֹשֶׂה אוֹתוֹ תַּכְרִיכִין לְמֵת מִצְוָה;

Rabba bar Livai raised an objection to Rava from a *baraita*: With regard to **a garment in which diverse kinds,** a prohibited mixture of wool and linen, **have been lost,**[H] i.e., it is known that linen fibers became mixed into a woolen garment but they cannot be detected and removed, **one may not sell** the garment **to a gentile, nor fashion it** into **a saddlecloth for a donkey, but one may make it** into **shrouds for a corpse with no one to bury it** [***met mitzva***]**,**[N] as a corpse is not obligated in the observance of mitzvot.

HALAKHA

Wine used for a libation that fell on grapes – יֵין נֶסֶךְ שֶׁנָּפַל עַל גַּבֵּי עֲנָבִים: In a case where wine belonging to a gentile fell on grapes, if the grapes were not cracked, they may be rinsed and they are permitted, but if they were cracked, or if there is a puncture where the stem was removed (*Tur*, citing the Jerusalem Talmud), then if there is sufficient wine to impart flavor, it is prohibited to eat the grapes, in accordance with the ruling of the mishna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:32; *Shulḥan Arukh*, *Yoreh De'a* 134:8).

If it fell on figs – נָפַל עַל גַּבֵּי תְּאֵנִים: In a case where wine belonging to a gentile fell on figs, the figs are permitted, because the wine imparts a flavor detrimental to the figs, in accordance with the ruling of the mishna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:33; *Shulḥan Arukh*, *Yoreh De'a* 134:9).

Vinegar that fell onto split beans – חוֹמֶץ שֶׁנָּפַל עַל גַּבֵּי גְּרִיסִין: In a case where vinegar fell onto split beans, if they are hot, the wine imparts a flavor detrimental to the beans and they are permitted. If the beans are cold, the wine imparts a flavor that enhances the taste of the beans, and they are forbidden, in accordance with the mishna and the Gemara's explanation (*Shulḥan Arukh*, *Yoreh De'a* 134:12).

A garment in which diverse kinds have been lost – בֶּגֶד שֶׁאָבַד בּוֹ כִּלְאַיִם: In the case of a woolen garment in which a linen thread became interwoven and it cannot be located, or a linen garment with a woolen thread interwoven in it which cannot be located, it may not be sold to a gentile, lest he sell it to a Jew, nor can it be used for a saddlecloth for a donkey, lest someone take it and use it as a garment (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 10:27; *Shulḥan Arukh*, *Yoreh De'a* 301:8).

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לְגוֹי מַאי טַעְמָא לָא? דִּלְמָא אָתֵי לְזַבּוּנֵיהּ לְיִשְׂרָאֵל, הָכָא נַמִּי אָתֵי לְזַבּוּנֵיהּ לְיִשְׂרָאֵל!

Rabba bar Livai asked: **What is the reason** that it is **not** permitted to sell it **to a gentile? Perhaps he will come to sell it to a Jew,** who will not know that it is forbidden. **Here too,** with regard to the wheat, the gentile purchasers **may come to sell it to a Jew,** who is prohibited from consuming it.

הֲדַר שָׁרָא לְמֵיטְחִינְהוּ וּלְמֵפִינְהוּ וּלְזַבּוּנְהוּ לְגוֹיִם שֶׁלֹּא בְּפָנֵי יִשְׂרָאֵל.

Rava then **retracted** his decision and **permitted grinding** the wheat **and baking** bread with **it and selling it**[N] **to gentiles not in the presence of Jews.** In this manner, Jews will not be likely to buy bread from the gentiles, as the bread of gentiles is forbidden to Jews.

תְּנַן: יֵין נֶסֶךְ שֶׁנָּפַל עַל גַּבֵּי עֲנָבִים – יַדִּיחֵן וְהֵן מוּתָּרוֹת, וְאִם הָיוּ מְבוּקָּעוֹת – אֲסוּרוֹת; מְבוּקָּעוֹת – אִין, שֶׁאֵין מְבוּקָּעוֹת – לָא! אֲמַר רַב פַּפָּא: שָׁאנֵי חִיטֵּי, הוֹאִיל וְאַגַּב צִירַיְיהוּ כִּמְבוּקָּעוֹת דָּמְיָין.

We learned in the mishna: In the case of **wine** used for **a libation that fell on grapes, one rinses them and they are permitted. But if** the grapes **were cracked, they are forbidden.** The Gemara infers: If the grapes are **cracked,** they **are** forbidden, but grapes **that are not cracked** are **not** forbidden. If so, what is the cause for concern in the case where wine spilled on the wheat? It should be sufficient to rinse the wheat. **Rav Pappa said: Wheat is different,**[H] **since, because of its slits,** its status is **similar to** that of grapes that are **cracked.**

NOTES

Baking bread with it and selling it, etc. – וּלְמֵפִינְהוּ וּלְזַבּוּנְהוּ וכו׳: This refers to a place where Jews observe the custom to prohibit the bread of gentiles. For this reason the bread was sold to gentiles not in the presence of Jews, so that other Jews would not come to buy it and use it, as they would not know that it was baked by Jews.

HALAKHA

Wheat is different – שָׁאנֵי חִיטֵּי: If forbidden wine falls onto wheat, rinsing the wheat does not render it permitted. This is because there are cracks in the kernels, or, according to the explanation of the Rambam, because the wheat absorbs the wine. If the wine imparts a flavor, it is prohibited to consume the wheat, nor may one sell it to a gentile, lest the gentile sell it to a Jew. One may grind it into flour, bake it into bread, and sell it to a gentile not in the presence of Jews. In a place where it is the custom to eat bread baked by gentiles, the only remedy is to sell the bread to the gentile in slices, which may not be bought from them by Jews in any case (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:34; *Shulḥan Arukh*, *Yoreh De'a* 134:11).

Perek **V**
Daf **66** Amud **a**

חֲמָרָא עַתִּיקָא בְּעִנְבֵי – דִּבְרֵי הַכֹּל בְּנוֹתֵן טַעַם; חֲמָרָא חַדְתָּא בְּעִנְבֵי – אַבַּיֵי אָמַר: בְּמַשֶּׁהוּ, וְרָבָא אָמַר: בְּנוֹתֵן טַעַם.

§ With regard to **old wine** used for a libation[N] that fell **onto grapes, all agree** that the grapes are forbidden only **in** a case where the wine **imparts flavor** to them. With regard to **new wine**[H] used for a libation, i.e., wine that had just been squeezed and has not yet fermented, that fell **onto grapes, Abaye says** that **any amount** renders the grapes forbidden, **and Rava says** that they are forbidden only **in** a case where the wine **imparts flavor**[N] to them.

אַבַּיֵי אָמַר בְּמַשֶּׁהוּ – בָּתַר טַעְמָא אָזְלִינַן, אִידִי וְאִידִי חַד טַעְמָא הוּא, דַּהֲוָה לֵיהּ מִין בְּמִינוֹ, וּמִין בְּמִינוֹ בְּמַשֶּׁהוּ.

The Gemara explains their respective opinions: **Abaye says** that **any amount** renders them forbidden because he maintains that when categorizing substances in the context of the *halakhot* of mixtures **we follow the flavor,** and **this** wine **and those** grapes **are** of **the same flavor, which renders it** a case of **a substance** in contact **with** the **same** type of **substance. And** the principle is that in a case of **a substance** in contact **with** the **same** type of **substance, any amount** of the forbidden substance renders the mixture forbidden.[N]

וְרָבָא אָמַר בְּנוֹתֵן טַעַם – בָּתַר שְׁמָא אָזְלִינַן, וְהַאי שְׁמָא לְחוּד וְהַאי שְׁמָא לְחוּד, וַהֲוָה לֵיהּ מִין בְּשֶׁאֵינוֹ מִינוֹ, וּמִין בְּשֶׁאֵינוֹ מִינוֹ בְּנוֹתֵן טַעַם.

And Rava says that the grapes are forbidden only **in** a case where the wine **imparts flavor** to them because he maintains that when categorizing substances in the context of the *halakhot* of mixtures **we follow the name,**[H] **and this** wine has **a discrete name, and those** grapes have their own **discrete name. And** accordingly, **this is** a case of **a substance** in contact **with a different** type of **substance. And** the principle is that in a case of **a substance** in contact **with a different** type of **substance,** the mixture is forbidden only **in** a case where the forbidden item **imparts flavor** to it.

NOTES

Old wine – חֲמָרָא עַתִּיקָא: Wine that has already undergone fermentation has its own flavor that is easily distinguishable from that of the grapes.

Rava says they are forbidden only in a case where it imparts flavor – רָבָא אָמַר בְּנוֹתֵן טַעַם: This does not mean that the flavor can actually be detected, as the flavor of the wine and the grapes is the same, but rather that the proportion of wine would be sufficient to impart its flavor to a substance with a different flavor, a proportion that the Sages set at one part in sixty (Rashi).

In a case of a substance in contact with the same type of substance any amount renders it forbidden – מִין בְּמִינוֹ בְּמַשֶּׁהוּ: When a small proportion of one substance is mixed with another substance of a different type, its flavor is nullified, which renders it insignificant. By contrast, in the case of a mixture of substances of the same type, the reason that any amount of forbidden substance renders the mixture forbidden is that since the substances have the same flavor, the flavor of the forbidden substance is not nullified but rather reinforced.

HALAKHA

Old wine…new wine – חֲמָרָא עַתִּיקָא…חֲמָרָא חַדְתָּא: In a case where wine belonging to a gentile fell onto cracked grapes, whether the wine is old or new, if there was a sufficient amount of wine to impart flavor to the grapes, the grapes are forbidden, in accordance with the statement of Rava (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:32; *Shulḥan Arukh*, *Yoreh De'a* 134:8).

We follow the name – בָּתַר שְׁמָא אָזְלִינַן: In the matter of a type of food mixed with food of the same type, we follow the name. Therefore, if two substances are of the same name, even if they have different flavors, they would be categorized as the same type, in accordance with the statement of Rava (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:14; *Shulḥan Arukh*, *Yoreh De'a* 98:2 in the comment of Rema).

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תְּנַן: יֵין נֶסֶךְ שֶׁנָּפַל עַל גַּבֵּי עֲנָבִים כּוֹ׳. קָא סָלְקָא דַּעְתִּין חַמְרָא חַדְתָּא בְּעִנְבֵי, מַאי לָאו בְּנוֹתֵן טַעַם? לָא, בְּמַשֶּׁהוּ.

We learned in the mishna that in the case of **wine** used for **a libation that fell on** cracked **grapes,** the grapes are forbidden. It **enters our mind** that this is referring to **new wine** falling **on grapes. What, is it not** the intention of the mishna that they are forbidden only **in** a case where the wine **imparts flavor** to the grapes? If so, then it is the name that counts, as the flavor of the wine in this case is the same as the grapes. The Gemara rejects this premise: **No,** the mishna means that **any amount** of the wine renders the grapes forbidden.

הָא מְדַקְתָנֵי סֵיפָא ״זֶה הַכְּלָל: כָּל שֶׁבַּהֲנָאָתוֹ בְּנוֹתֵן טַעַם – אָסוּר, כָּל שֶׁאֵין בַּהֲנָאָתוֹ בְּנוֹתֵן טַעַם – מוּתָּר״, מִכְּלָל דִּבְנוֹתֵן טַעַם עָסְקִינַן!

The Gemara challenges this explanation. **But from** the fact **that** the mishna **teaches** in **the last clause: This is the principle: Anything that benefits** from a forbidden item **imparting flavor** to it is **forbidden,** and **anything that does not benefit** from a forbidden item **imparting flavor** to it is **permitted, by inference, we are dealing with** a case where the forbidden item **imparts flavor** to the permitted item.

וְאַבַּיֵי? מַתְנִיתִין – בְּחַמְרָא עַתִּיקָא בְּעִנְבֵי.

And how does **Abaye** explain this? In his opinion, the ruling of **the mishna** is stated **with regard to old wine** that fell **onto grapes,** which are not of the same flavor, so it is reasonable that the grapes are rendered forbidden by an amount that imparts flavor.

חַלָּא דְּחַמְרָא וְחַלָּא דְּשִׁיכְרָא, וַחֲמִירָא דְּחִטֵּי וַחֲמִירָא דְּשַׂעֲרֵי – אַבַּיֵי אָמַר: בְּנוֹתֵן טַעַם; בָּתַר טַעְמָא אָזְלִינַן, וְהָאי טַעְמָא לְחוּד וְהָאי טַעְמָא לְחוּד, וַהֲוָה לֵיהּ מִין בְּשֶׁאֵינוֹ מִינוֹ, וּמִין בְּשֶׁאֵינוֹ מִינוֹ בְּנוֹתֵן טַעַם.

This dispute between Abaye and Rava applies to another case as well. With regard to the case of **wine vinegar and malt vinegar** that became mixed together, and one is permitted and the other is forbidden, **and** also the case of **leaven of wheat** flour[N] **and leaven of barley** flour that became mixed together, and one is permitted and the other is forbidden, **Abaye says:** The forbidden substance renders the mixture forbidden **in** a case where it **imparts flavor** to the mixture, because **we follow the flavor, and this flavor is discrete and that flavor is discrete, and** therefore **it becomes** a mixture of **a type** of food mixed **with** food **not** of **its** own **type. And a type** of food mixed **with** food **not** of **its** own **type** is forbidden **in** a case where the forbidden food **imparts flavor** to the mixture.

וְרָבָא אָמַר: בְּמַשֶּׁהוּ; בָּתַר שְׁמָא אָזְלִינַן, וְהַאי חַלָּא מִיקְרֵי וְהַאי חַלָּא מִיקְרֵי, וְהַאי חַמְרָא מִיקְרֵי וְהַאי חַמְרָא מִיקְרֵי, וַהֲוָה לֵיהּ מִין בְּמִינוֹ, וְכָל מִין בְּמִינוֹ בְּמַשֶּׁהוּ.

And Rava says: Any amount of the forbidden substance renders the mixture forbidden, in accordance with his opinion that **we follow the name, and this is called vinegar and that is called vinegar, and this is called leaven and that is called leaven, and** therefore **it becomes** a mixture of **a type** of food mixed **with** food of **its** own **type, and** in **any** case of **a type** of food mixed **with** food of **its** own **type, any amount** of the forbidden substance renders the mixture forbidden.

אֲמַר אַבַּיֵי: מְנָא אָמֵינָא לָהּ דְּבָתַר טַעְמָא אָזְלִינַן? דְּתַנְיָא: תַּבְלִין, שְׁנַיִם וּשְׁלֹשָׁה שֵׁמוֹת וְהֵן מִין אֶחָד, אוֹ מִין שְׁלֹשָׁה – אֲסוּרִין וּמִצְטָרְפִין; וְאָמַר חִזְקִיָּה: הָכָא בְּמִינֵי מְתִיקָה עָסְקִינַן, הוֹאִיל וּרְאוּיִן לְמַתֵּק בָּהֶן אֶת הַקְּדֵירָה. אִי אָמְרַתְּ בִּשְׁלָמָא בָּתַר טַעְמָא אָזְלִינַן – כּוּלֵּי חַד טַעְמָא הוּא, אֶלָּא אִי אָמְרַתְּ בָּתַר שְׁמָא אָזְלִינַן, הַאי שְׁמָא לְחוּד וְהַאי שְׁמָא לְחוּד.

Abaye says: From where do I say that we follow the flavor? As it is taught in a *baraita*: Forbidden **spices** that are known by **two or three** different **names**[NH] **but are** of **the same species, or** of **three** different **species,**[N] **are forbidden, and combine** together to render a dish forbidden. **And Ḥizkiyya says:** The reason the three species combine to render the dish forbidden is that **here we are dealing with types of sweet** spices.[N] **Since they are** all **fit to sweeten the dish,** they combine, as they impart the same kind of flavor. Abaye explains: **Granted, if you say we follow the flavor, they are all** considered **the same flavor,** and therefore they combine. **But if you say we follow the name,** why should they combine to render the dish forbidden? **This name is discrete and that name is discrete.**

וְרָבָא אָמַר לָךְ: הָא מַנִּי? רַבִּי מֵאִיר הִיא; דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר מִשּׁוּם רַבִּי מֵאִיר: מְנַיִן לְכָל אִיסּוּרִין שֶׁבַּתּוֹרָה שֶׁמִּצְטָרְפִין זֶה עִם זֶה? שֶׁנֶּאֱמַר: ״לֹא תֹאכַל כָּל תּוֹעֵבָה״, כָּל שֶׁהֵיעַבְתִּי לְךָ הֲרֵי הוּא בְּבַל תֹּאכַל.

And Rava could **say to you:** In accordance with **whose** opinion **is this** *baraita*? **It is** the opinion of **Rabbi Meir,**[N] who maintains that all forbidden foods combine, whether or not they have the same name or the same flavor, **as it is taught** in a *baraita*: **Rabbi Yehuda says in the name of Rabbi Meir: From where** is it derived **that any** foods **forbidden by the Torah** that fall into a mixture **combine with one another** to render a mixture forbidden? **As it is stated:** "**You shall not eat anything abominable**" (Deuteronomy 14:3), which indicates that **anything that I have made abominable,** i.e., forbidden, **to you, is prohibited for consumption,** and therefore all of these prohibitions are actually a single general prohibition.

NOTES

Leaven of wheat flour – חַמְרָא דְּחִטֵּי: Rashi explains that this refers to leaven of *teruma* which became mixed with regular leaven, and one is leaven of wheat flour and the other is leaven of barley flour. The Ritva rejects this explanation, since *teruma* is nullified in a proportion of one part in one hundred. Instead, he explains that this refers to other prohibitions in which any amount renders a mixture of the same type of substances forbidden, e.g., untithed produce or produce that has been sacrificed in idol worship. Any amount of those substances renders a mixture forbidden according to all opinions, and that is why Rava deems it forbidden.

Two or three names [*shemot*] – שְׁנַיִם וּשְׁלֹשָׁה שֵׁמוֹת: Rashi understands *shemot* as a reference to what the item is called, and gives the example of pepper, which can be subdivided into different types with different names, e.g., black pepper and white pepper (and see Ra'avad). By contrast, *Tosafot* explain that the term *shemot* means here, as it does in other contexts, types of prohibitions. Accordingly, the *baraita* is referring to, e.g., one type of pepper, but with different prohibitions, such as *orla*, diverse kinds, and *teruma*, applying to the different peppers.

Or three species – אוֹ מִין שְׁלֹשָׁה: According to Rashi, this refers to the different types of spices entirely, e.g., pepper, ginger, and cinnamon. According to *Tosafot*, the essential point is that this refers to three different types of spices that all carry the same prohibition, e.g., they are all *orla*.

With types of sweet spices – בְּמִינֵי מְתִיקָה: With regard to other types of seasonings, e.g., salt, mustard, and vinegar, their flavors are notably different, whereas with regard to spices that sweeten the food, though there are some differences in their flavors, in any event they all impart sweetness, so they combine together.

It is the opinion of Rabbi Meir – רַבִּי מֵאִיר הִיא: Rabbi Meir maintains that all items prohibited by Torah law combine in the context of the *halakhot* of mixtures. According to the Ramban, even Rabbi Meir concedes that substances that render mixtures forbidden in different ratios from one another do not combine with one another.

HALAKHA

Forbidden spices known by two or three names – תַּבְלִין שְׁנַיִם וּשְׁלֹשָׁה שֵׁמוֹת: Spices of a single species that are known by two or three different names, or three species that are known by a single name, combine with one another to render a mixture forbidden. For example, leaven of wheat flour and leaven of barley flour are considered a single species, since both are called leaven, and they combine with regard to rendering a wheat dough leavened, or for rendering a barley dough leavened. Water parsley, meadow parsley, and garden parsley combine to render a mixture forbidden, even though each has its own discrete name, since they are a single species, in accordance with the *baraita* and Rashi's understanding of the term *shemot* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:14–15, and see Ra'avad and *Leḥem Mishne* there).

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חַלָּא לְגוֹ חַמְרָא – דִּבְרֵי הַכֹּל בְּנוֹתֵן טַעַם; חַמְרָא לְגוֹ חַלָּא – אַבַּיֵי אָמַר: בְּמַשֶּׁהוּ, וְרָבָא אָמַר: בְּנוֹתֵן טַעַם.

With regard to forbidden **vinegar** that fell **into** a barrel of **wine,**[H] **all agree** that the mixture is forbidden **in** a case where the forbidden vinegar **imparts flavor** to the mixture. In a case of forbidden **wine** that spilled **into vinegar,** since the sharper smell of the vinegar overwhelms the smell of the wine before it mixes in, **Abaye says** that **any amount** of the wine renders the mixture forbidden, **and Rava says** that it is forbidden only **in** a case where the wine **imparts flavor** to the vinegar.

אַבַּיֵי אָמַר בְּמַשֶּׁהוּ,

The Gemara explains their respective opinions: **Abaye says** that **any amount** renders the mixture forbidden,

HALAKHA

Vinegar that fell into a barrel of wine – חַלָּא לְגוֹ חַמְרָא: If vinegar belonging to a gentile fell into permitted wine, or if wine belonging to a gentile fell into permitted vinegar, the gentile's liquid renders the mixture forbidden if it is of sufficient quantity to impart flavor, but it is nullified if it is less than that quantity, in accordance with the statement of Rava (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:35; *Shulḥan Arukh*, *Yoreh De'a* 134:6).

Perek **V**
Daf **66** Amud **b**

רֵיחֵיהּ חַלָּא וְטַעְמָא חַמְרָא – חַלָּא, וְהָוָה לֵיהּ מִין בְּמִינוֹ, וְכָל מִין בְּמִינוֹ בְּמַשֶּׁהוּ;

because a liquid **whose smell is vinegar and** its **flavor is wine**[H] is considered **vinegar,** and the wine, when it spilled into the barrel of vinegar, took on the smell of vinegar from the moment it reached the airspace of the barrel, **and it has** therefore **become a type** of food mixed **with** food of **its** own **type. And any type** of forbidden food mixed **with** food of **its** own **type** renders the mixture forbidden **by any amount.**

רָבָא אָמַר בְּנוֹתֵן טַעַם, רֵיחֵיהּ חַלָּא וְטַעְמָא חַמְרָא – חַמְרָא, וַהֲוָה לֵיהּ מִין בְּשֶׁאֵינוֹ מִינוֹ, וְכָל מִין בְּשֶׁאֵינוֹ מִינוֹ בְּנוֹתֵן טַעַם.

Rava says that the mixture is forbidden only **in** a case where the wine **imparts flavor** to the vinegar, because a liquid **whose smell is vinegar and** its **flavor is wine** is considered **wine, and it has** therefore **become a type** of food mixed **with** food **not** of **its** own **type. And any type** of forbidden food mixed **with** food **not** of **its** own **type** renders the mixture forbidden only **in** a case where it **imparts flavor** to the mixture.

הַאי בַּת תֵּיהָא, גּוּי בִּדְיִשְׂרָאֵל – שַׁפִּיר דָּמֵי; יִשְׂרָאֵל בִּדְגוּי – אַבַּיֵי אָמַר: אָסוּר, רָבָא אָמַר: מוּתָּר. אַבַּיֵי אָמַר אָסוּר – רֵיחָא מִילְּתָא הִיא; רָבָא אָמַר מוּתָּר – רֵיחָא לָאו מִילְּתָא הִיא.

§ With regard to **this bunghole** [***bat tiha***],[NLH] the hole in a barrel through which one can smell the wine, if **a gentile** smells **a Jew's** wine through it, the wine is **permitted,** but for **a Jew** to smell **a gentile's** wine through it,[N] **Abaye says** that it is **prohibited,** whereas **Rava says** that it is **permitted. Abaye says** that it is **prohibited** because he holds that **a smell is** a substantial **matter,** a significant form of pleasure, and it is not permitted to derive benefit from a gentile's wine. **Rava says** it is **permitted** because he holds that **a smell is nothing;**[H] it is insignificant.

NOTES

Bunghole – בַּת תֵּיהָא: Rashi explains this is a small hole that was made in the stopper of a barrel through which to smell the wine. The Ramban, citing Rabbeinu Ḥananel, explains that there was a hose that would emerge from the barrel, through the middle of which ran a smaller hose. This hose would be used to transfer the wine into a container. *Tosafot* also explain that this refers to a hose, but are of the opinion that it was used for smelling the wine.

For a Jew to smell a gentile's wine through it, etc. – יִשְׂרָאֵל בִּדְגוּי וכו': Even according to Rava's lenient opinion, this applies only if the Jew is not being paid by the gentile. If he were being paid he would be earning a wage for working with wine used for a libation, which would be prohibited (*Tosafot*).

LANGUAGE

Bunghole [*bat tiha*] – בַּת תֵּיהָא: The word *tiha* means to examine. Some say the word means, more specifically, to examine and check the quality of wine. Examination by tasting and smelling is considered an important part of the supervision of wine production at its various stages, and different instruments were used in different times for this purpose.

HALAKHA

Whose smell is vinegar and its flavor is wine – רֵיחֵיהּ חַלָּא וְטַעְמָא חַמְרָא: Wine which has over-fermented somewhat and has the flavor of wine but the smell of vinegar is considered wine in every respect. One may use this wine even to recite *kiddush*, though the preferred way to perform the mitzva of *kiddush* is with superior-quality wine (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 29:17; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 204:3, 272:3).

Bunghole – בַּת תֵּיהָא: A gentile smelling a Jew's wine does not render the wine forbidden, and it is permitted to inhale the bouquet of wine used for a libation with one's mouth through a puncture in the barrel in order to judge its quality, because the intent is not to derive benefit from the bouquet of the wine. The Rema says that it is prohibited to sprinkle wine used for a libation as perfume, because it is prohibited to derive benefit from it, but it is permitted to sprinkle nondescript gentile wine as perfume, because it is not prohibited to derive benefit from it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:14 and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 108:5, and see 108:7, and *Shakh* and *Beur HaGra* there).

A smell is nothing – רֵיחָא לָאו מִילְּתָא הִיא: Forbidden meat may not be roasted with permitted meat in the same oven *ab initio*, but after the fact the permitted meat remains permitted, because the *halakha* is in accordance with the opinion of Levi (*Pesaḥim* 76b) that a smell is not considered substantial. As the Rif notes, even Levi permits this only after the fact (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:33; *Shulḥan Arukh*, *Yoreh De'a* 108:1, and in the comment of Rema).

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BACKGROUND

An oven that one lit – תַּנּוּר שֶׁהִסְקִיקוֹ: Many ovens in late antiquity were made of clay. Fire was kindled inside to heat the oven until the fuel turned to ash. The ash was then swept away to make room for dough that had been rolled out flat, which was affixed to the walls of the oven or to the heated base.

Women in Iraq baking in a traditional clay oven

Bread baking on the walls of a clay oven

אֲמַר רָבָא: מְנָא אָמִינָא לָהּ דְּרֵיחָא וְלָא כְּלוּם הוּא? דְּתָנַן: תַּנּוּר שֶׁהִסְקִיקוֹ בְּכַמּוֹן שֶׁל תְּרוּמָה וְאָפָה בּוֹ אֶת הַפַּת – הַפַּת מוּתֶּרֶת, לְפִי שֶׁאֵין טַעַם כַּמּוֹן אֶלָּא רֵיחָא כַּמּוֹן. וְאַבַּיֵי? שָׁאנֵי הָתָם, דְּמִיקְלָא אִיסּוּרֵיהּ.

Rava says: From where do I say that a smell is nothing? It is **as we learned** in a mishna (*Terumot* 10:4): With regard to **an oven that one lit**[B] **with cumin** stalks **of *teruma***[H] **and baked bread in it, the bread** is **permitted**[N] **because** it has **not** absorbed **the flavor of** the **cumin** stalks **but** only **the smell of** the **cumin** stalks. This indicates that smell alone does not render a food forbidden. **And** how does **Abaye** explain this? He answers that **it is different there, as the forbidden substance was burned.** The smell of the forbidden cumin stalks entered the bread after the cumin stalks themselves were consumed by the fire, and a smell that is not from an extant substance is not forbidden. By contrast, in a case where the smell is from an extant source, it is forbidden.

אֲמַר רַב מָרִי, כְּתַנָּאֵי: הָרוֹדֶה פַּת חַמָּה וּנְתָנָהּ עַל פִּי חָבִית שֶׁל יַיִן שֶׁל תְּרוּמָה – רַבִּי מֵאִיר אוֹסֵר, וְרַבִּי יְהוּדָה מַתִּיר. רַבִּי יוֹסֵי מַתִּיר בְּשֶׁל חִיטִּין וְאוֹסֵר בְּשֶׁל שְׂעוֹרִים, מִפְּנֵי שֶׁהַשְּׂעוֹרִים שׁוֹאֲבוֹת; מַאי לָאו בְּהָא קָמִיפַּלְגִי, דְּמָר סָבַר: רֵיחָא מִילְּתָא הִיא, וּמָר סָבַר: רֵיחָא וְלָא כְּלוּם הוּא?

Rav Mari said: This dispute between Abaye and Rava is **parallel to** a dispute between ***tanna'im,*** as it is taught in a mishna (*Terumot* 10:3): With regard to **one who detached a hot** loaf of **bread**[H] from the oven **and placed it on the opening of a barrel of wine of *teruma,*** the portion of the produce designated for the priest, **Rabbi Meir deems** the bread **forbidden** to non-priests, as in his opinion the smell of the wine renders the bread forbidden to them, **and Rabbi Yehuda deems** it **permitted. Rabbi Yosei deems** it **permitted in** a case of **wheat** bread **but deems** it **forbidden in** a case of **barley** bread, **because the barley draws out** the fumes of the wine. Rav Mari explains: **What, is it not with regard to this** matter that the Sages in the mishna **disagree: That** one **Sage,** Rabbi Meir, **holds** that **a smell is** a substantial **matter, and** one **Sage,** Rabbi Yehuda, **holds** that **a smell is nothing?**

לְרָבָא וַדַּאי תַּנָּאֵי הִיא, לְאַבַּיֵי מִי לֵימָא תַּנָּאֵי הִיא?

The Gemara remarks: **According to** the opinion of **Rava,** the dispute between him and Abaye **is certainly** parallel to a dispute between ***tanna'im,***[N] as he must concede that Rabbi Meir holds that a smell is a substantial matter. But **according to** the opinion of **Abaye, shall we say** that **it is** parallel to a dispute between ***tanna'im*?**[N]

אָמַר לָךְ אַבַּיֵי: לָאו מִי אִיתְּמַר עֲלָהּ, אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רֵישׁ לָקִישׁ: בְּפַת חַמָּה וְחָבִית פְּתוּחָה

The Gemara answers: **Abaye** could **say to you** that Rabbi Yehuda also holds that a smell is a substantial matter. **Wasn't it stated with regard to that** mishna that **Rabba bar bar Ḥana says** that **Reish Lakish says: In** the case of **a hot** loaf of **bread and an open barrel,**

HALAKHA

An oven that one lit with cumin stalks of *teruma* – תַּנּוּר שֶׁהִסְקִיקוֹ בְּכַמּוֹן שֶׁל תְּרוּמָה: If an oven was kindled with cumin stalks of *teruma* and one then baked bread in it, the bread is permitted because it has not absorbed the flavor, but only the smell, of the cumin stalks, and a smell is not significant (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 15:14).

One who detached a hot loaf of bread – הָרוֹדֶה פַּת חַמָּה: In the case of one who removed a hot loaf of bread from the oven and placed it on top of a barrel of *teruma* wine, if it is wheat bread it is permitted, but if it is barley bread it is forbidden because barley bread absorbs the wine fumes. The Rambam rules in accordance with the opinion of Rabbi Yosei and does not distinguish between an open or a sealed barrel, as in his opinion smell is not substantial. The *Shulḥan Arukh* rules that if a hot loaf of bread is placed upon an open barrel of wine used for a libation, the bread is rendered forbidden, but if the barrel is sealed, it is permitted. If it is a cold loaf, even if the barrel is open, it is permitted. This applies to wheat bread, but hot barley bread is rendered forbidden even if the barrel is sealed, and it is likewise forbidden if the barley bread was cold but the barrel was open, in accordance with the explanation of Reish Lakish (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 15:13; *Shulḥan Arukh*, *Yoreh De'a* 108:4).

NOTES

The bread is permitted – הַפַּת מוּתֶּרֶת: Although the cumin stalks of *teruma* heated the oven, the bread is permitted to anyone, not only to priests. This is because it is prohibited for a non-priest only to partake of *teruma*, but it is permitted for him to derive benefit from it (Rashi).

According to Rava it is certainly a dispute between *tanna'im* – לְרָבָא וַדַּאי תַּנָּאֵי הִיא: The fact that Rabbi Meir deems the bread forbidden can be explained only by ascribing significance to the smell that it absorbed.

Shall we say that it is a dispute between *tanna'im* – מִי לֵימָא תַּנָּאֵי הִיא: Abaye can explain that Rabbi Yehuda deems the bread permitted because the smell of the wine has not been well absorbed in the bread, which cannot be claimed with regard to the bunghole, as the wine fumes have certainly entered through it.

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דִּבְרֵי הַכֹּל אֲסוּרָה, בְּפַת צוֹנֶנֶת וְחָבִית מְגוּפָּה – דִּבְרֵי הַכֹּל מוּתֶּרֶת, לֹא נֶחְלְקוּ אֶלָּא בְּפַת חַמָּה וְחָבִית מְגוּפָּה, בְּפַת צוֹנֶנֶת וְחָבִית פְּתוּחָה; וְהָא דִּידִי נַמִּי כְּפַת חַמָּה וְחָבִית פְּתוּחָה דָּמֵי.

everyone agrees that it is **forbidden,** as the bread certainly absorbed of the smell of the wine? Furthermore, **in** the case of **a cool** loaf of **bread and a stoppered barrel, everyone agrees** that it is **permitted. They disagree only with regard to** the case of **a hot** loaf of **bread and a stoppered barrel,** or **in** the case of **a cool** loaf of **bread and an open barrel. And this** case **of mine,** i.e., the case of the bunghole, **is also comparable to** the case of **a hot** loaf of **bread and an open barrel,** in which everyone agrees that the bread is forbidden.

״זֶה הַכְּלָל: כָּל שֶׁבַּהֲנָאָתוֹ בְּנוֹתֵן טַעַם״ כּוֹ׳. אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: הָכִי הִלְכְתָא.

§ It is stated in the mishna: **This is the principle: Anything that benefits** from a forbidden item **imparting flavor** to it, i.e., the forbidden item contributes a positive taste to it, is forbidden, and anything that does not benefit from a forbidden item imparting flavor to it is permitted, e.g., forbidden vinegar that fell onto split beans, as the flavor imparted by the vinegar does not enhance the taste of the beans. **Rav Yehuda says** that **Shmuel says: This is the *halakha*.**

וְאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: לֹא שָׁנוּ אֶלָּא שֶׁנָּפַל לְתוֹךְ גְּרִיסִין רוֹתְחִין, אֲבָל נָפַל לְתוֹךְ גְּרִיסִין צוֹנְנִין וְהִרְתִּיחָן – נַעֲשָׂה כְּמִי שֶׁהִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם, וְאָסוּר.

And Rav Yehuda says that **Shmuel says:** The Sages **taught** this **only** with regard to a case **where** the vinegar **fell into hot split beans,** imparting flavor to their detriment. **But** if the vinegar **fell into cold split beans,**[H] the vinegar enhances the flavor, **and** if **one** subsequently **heated them, it becomes like** a dish **that** some added ingredient first **enhanced** its flavor **and ultimately detracted** from it,[H] **and** it is rendered **forbidden,** as the initial flavor that was imparted was beneficial.

וְכֵן כִּי אֲתָא רָבִין אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא שֶׁנָּפַל לְתוֹךְ גְּרִיסִין רוֹתְחִין, אֲבָל נָפַל לְתוֹךְ גְּרִיסִין צוֹנְנִין וְהִרְתִּיחָן – נַעֲשָׂה כְּמִי שֶׁהִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם, וְאָסוּר. וְכֵן כִּי אֲתָא רַב דִּימִי כּוֹ׳, וְכָךְ הָיוּ עוֹשִׂין בְּעַרְבֵי שַׁבָּתוֹת בְּצִיפּוֹרִי, וְקוֹרְאִין אוֹתָם שַׁחֲלַיִּים.

And similarly, when Ravin came from Eretz Yisrael to Babylonia he reported that **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** The Sages **taught** this **only** with regard to the case **where** the vinegar **fell into hot split beans. But** if the vinegar **fell into cold split beans and one** subsequently **heated** the mixture, **it becomes like** a dish **that** some added ingredient first **enhanced** its flavor **and ultimately detracted** from it, **and** it is rendered **forbidden. And similarly, when Rav Dimi came,** he also reported this in the name of Rabbi Yoḥanan and added: **And they would prepare this** dish of split beans and vinegar **on the eves of Shabbat in Tzippori,**[B] **and they would call it cress dish.**[N]

HALAKHA

Fell into cold split beans – נָפַל לְתוֹךְ גְּרִיסִין צוֹנְנִין: Gentiles' wine vinegar that fell into hot split beans adds a detrimental flavor, and therefore they remain permitted. But if it fell into cold split beans, it enhances the flavor, and they are rendered forbidden even if one subsequently cooks them and the flavor becomes detrimental, in accordance with the statements of Shmuel and Rabbi Yoḥanan (*Shulḥan Arukh*, *Yoreh De'a* 134:12).

Enhanced its flavor and ultimately detracted from it – הִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם: If gentiles' wine vinegar fell into cold split beans, even if one subsequently heated them and the flavor added by the vinegar became detrimental, the beans are forbidden. This ruling is in accordance with the principle that a mixture in which a forbidden substance imparts a detrimental flavor is permitted only if the flavor has been detrimental to the permitted item for the entire time they have been mixed. But if it enhanced the flavor before becoming detrimental, or if it was detrimental and subsequently enhanced it, it is forbidden. The commentaries disagree concerning the *halakha* in the case of gentiles' vinegar that fell into hot split beans that subsequently cooled (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:28; *Shulḥan Arukh*, *Yoreh De'a* 103:2 and *Taz* there, and see 98:1).

NOTES

And they would call it cress dish – וְקוֹרְאִין אוֹתָם שַׁחֲלַיִּים: Clearly the split beans themselves are not called cress dish, as cress is a distinct vegetable. Rather, this was a name expressing their high regard for this dish, which had a flavor like that of cress, which was traditionally eaten with vinegar (*Tosafot*).

BACKGROUND

Tzippori – צִיפּוֹרִי: Tzippori was a large city in the Upper Galilee and the perennial rival of Tiberias for the status of the religious center of the Galilee. During the Second Temple period, it enjoyed special status among the cities of the Galilee due to its large and learned Jewish community. Among the *tanna'im* who lived there were Rabbi Yoḥanan ben Nuri, Rabbi Ḥalafta, and his famous son Rabbi Yosei. Rabbi Yehuda HaNasi moved to Tzippori toward the end of his life, and it was the seat of the Sanhedrin for one generation. The leading disciples of Rabbi Yehuda HaNasi lived in Tzippori: Rabbi Yishmael, son of Rabbi Yosei; Rabban Gamliel, son of Rabbi Yehuda HaNasi, who was later appointed *Nasi*; his brother, Rabbi Shimon; Rabbi Ḥanina bar Ḥama, later the head of the yeshiva in Tzippori; and Rabbi Yannai. Even after the Sanhedrin moved to Tiberias, Torah scholars continued to reside in Tzippori, among them the prominent *amora'im* of Eretz Yisrael, Rabbi Ḥanina of Tzippori and Rabbi Mana.

Mosaic excavated in a Roman villa in Tzippori

Location of Tzippori

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אָמַר רֵישׁ לָקִישׁ: נוֹתֵן טַעַם לִפְגָם שֶׁאָמְרוּ, לֹא שֶׁיֹּאמְרוּ: קְדֵירָה זוֹ חֲסֵירָה מֶלַח, יְתֵירָה מֶלַח, חֲסֵירָה תַּבְלִין, יְתֵירָה תַּבְלִין; אֶלָּא כָּל שֶׁאֵין חֲסֵירָה כְּלוּם וְאֵינָהּ נֶאֱכֶלֶת מִפְּנֵי זֶה.

§ **Reish Lakish says:** With regard to the principle **that** the Sages **said,** that if a forbidden food **imparts flavor** to a permitted food **to** the **detriment** of the mixture it remains permitted, the criterion is **not that** people **would say: This dish is lacking in salt**[H] or **is overabundant in salt, is lacking in spices** or **is overabundant in spices,** and that is why its flavor was detracted by the forbidden food. **Rather,** it is referring to **any** dish **that is not lacking in anything, but will not be eaten**[N] only **because of this** forbidden substance that fell into it.

וְאִיכָּא דְּאָמְרִי, אָמַר רֵישׁ לָקִישׁ: נוֹתֵן טַעַם לִפְגָם שֶׁאָמְרוּ, אֵין אוֹמְרִין: קְדֵירָה זוֹ חֲסֵירָה מֶלַח, יְתֵירָה מֶלַח, חֲסֵירָה תַּבְלִין, יְתֵירָה תַּבְלִין; אֶלָּא הָשְׁתָּא מִיהָא הָא פָּגְמָה.

And there are those **who say** that **Reish Lakish states** a lenient interpretation of the principle: With regard to that **which** Sages **said** that if a forbidden food **imparts flavor** to a permitted food **to** the **detriment** of the mixture, it remains permitted, **one does not say** that a certain food is forbidden because its flavor was not actually detracted by the forbidden substance, as **this dish is lacking in salt** or **is overabundant in salt, is lacking in spices** or **is overabundant in spices,** and it is for that reason that the forbidden substance detracted from its flavor. **Rather,** since **now, in any event,** the forbidden substance **detracted** from its flavor, it is permitted.

אָמַר רַבִּי אַבָּהוּ אָמַר רַבִּי יוֹחָנָן: כָּל שֶׁטַּעְמוֹ וּמַמָּשׁוֹ אָסוּר לוֹקִין עָלָיו, וְזֶהוּ כְּזַיִת בִּכְדֵי אֲכִילַת פְּרָס.

§ Furthermore, with regard to a forbidden food that became mixed with a permitted food, **Rabbi Abbahu says** that **Rabbi Yoḥanan says:** In **any** case **where the flavor and substance of** the forbidden food are perceptible in the mixture, the mixture is **forbidden,**[HN] and **one is flogged for** consuming **it. And** it is a tradition that **this is** the measure for such a case: One who eats **an olive-bulk**[N] of the forbidden element in the mixture **in** the time it takes **to eat a half-loaf** of bread[N] is liable for eating the forbidden food.

HALAKHA

This dish is lacking in salt, etc. – קְדֵירָה זוֹ חֲסֵירָה מֶלַח וכו׳: Even if the forbidden substance is to the detriment of the mixture only due to the presence of a third substance, e.g., if a forbidden substance spilled into a pot containing salt or a spice without which the forbidden substance would not impart a detrimental flavor, nevertheless, since the flavor it imparts is detrimental, the mixture is permitted, in accordance with the second version of the statement of Reish Lakish. The same leniency applies if the forbidden substance imparts a detrimental flavor only due to the absence of salt (*Shulḥan Arukh*, *Yoreh De'a* 103:3).

In any case where the flavor and substance of the food are perceptible it is forbidden – כָּל שֶׁטַּעְמוֹ וּמַמָּשׁוֹ אָסוּר: By Torah law, in a case where a forbidden substance was mixed with a permitted substance, if they were of the same type, such that the flavor of the forbidden substance cannot be discerned, the mixture is permitted, provided that the permitted substance constitutes the majority of the mixture. In a case where the two substances were of different types, e.g., forbidden fat that fell into split beans and was dissolved in the dish, if the flavor of the fat cannot be discerned, the mixture is permitted. If the flavor can be discerned, then if the forbidden fat has been dissolved, it is prohibited by rabbinic law. If the forbidden fat has not been dissolved, the mixture is prohibited by Torah law. When is the forbidden substance considered undissolved? For example, if an olive-bulk of forbidden fat was mixed with three egg-bulks of a permitted substance, then if one ate slightly more than three egg-bulks of the mixture one is flogged for eating forbidden fat, having tasted the flavor of the forbidden fat and consumed its substance. But if one ate less than three egg-bulks of the mixture, so that there was not an olive-bulk of forbidden fat in the mixture one ate, or if there was not an olive-bulk in the mixture but the flavor of the forbidden fat was discernible, then one is flogged, by rabbinic law, with lashes for rebelliousness (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:1–3; *Shulḥan Arukh*, *Yoreh De'a* 98:1–2).

NOTES

But will not be eaten – וְאֵינָהּ נֶאֱכֶלֶת: Rashi says that this does not necessarily mean that it will not, in fact, be eaten at all. Rather, even if it is still regarded as edible, anything that degrades its flavor is considered to impart a detrimental flavor.

In any case where the flavor and substance of the food are perceptible it is forbidden – כָּל שֶׁטַּעְמוֹ וּמַמָּשׁוֹ אָסוּר: Rashi explains that this refers to the case where a forbidden substance was mixed with a permitted substance but was not dissolved in it. If it were dissolved, that would be a substance whose flavor is perceptible but whose substance is not, as mentioned later in the Gemara, which is not prohibited by Torah law. Others maintain that here too, the reference is to a forbidden substance that was dissolved in the permitted substance (see Meiri and *Ḥatam Sofer*).

This is the measure: One who eats an olive-bulk, etc. – וְזֶהוּ כְּזַיִת וכו׳: Rashi explains that in such a case, where the substance of the forbidden food remains perceptible, it is stated that one is flogged for consuming an olive-bulk of the forbidden item in the time it takes to eat a half-loaf of bread. Other early commentaries explain that the Gemara is providing the definition of the concept of: The flavor and substance of the forbidden food are perceptible in the mixture (Ra'avad; see Rabbeinu Eliyahu cited in *Tosafot* on 67b).

An olive-bulk in the time it takes to eat a half-loaf of bread – כְּזַיִת בִּכְדֵי אֲכִילַת פְּרָס: It is a *halakha* transmitted to Moses from Sinai that one is flogged for consuming a forbidden substance not only if he consumes it in its unadulterated form and all at once, but also if he eats a measure of an olive-bulk within the time it takes to eat a half-loaf of bread. This latter measure is equal to three egg-bulks in the opinion of the Rambam, and four in the opinion of Rashi. One is liable whether he consumed the forbidden substance in a mixture with other substances or by eating the olive-bulk of the substance itself over that amount of time. If an olive-bulk was consumed over a longer period of time than this, these are considered separate acts of consumption, which do not combine into a measure that results in liability. There are those who maintain that this means that if one consumed an olive-bulk of the mixture, even if he did not eat an olive-bulk of the actual forbidden substance, he is flogged, because in this case the entire mixture has become forbidden (Rabbeinu Ḥayyim; see Rosh, *Ḥullin* 7:31).

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טַעְמוֹ וְלֹא מַמָּשׁוֹ – אָסוּר וְאֵין לוֹקִין עָלָיו, וְאִם רִיבָּה טַעַם לְפָגָם – מוּתָּר.

But if only **the flavor of** the forbidden food is recognizable in the mixture, **but not its substance,**[N] as it was completely dissolved into the permitted food, the mixture **is forbidden, but one is not flogged for** consuming **it.**[N] **And if** the forbidden food **amplified the flavor** of the permitted food **to its detriment,** it is **permitted.**

וְלֵימָא: אִם נָתַן טַעַם לְפָגָם – מוּתָּר! הָא קָמַשְׁמַע לָן, דְּאַף עַל גַּב דְּאִיכָּא מִילֵּי אַחֲרָנֵיתָא דְּפָגְמָה בַּהֲדֵיהּ, וְהִלְכְתָא כִּלִישָׁנָא בַּתְרָא דְּרֵישׁ לָקִישׁ.

The Gemara asks: **But** then **let** Rabbi Yoḥanan **say: If** the forbidden food **imparts flavor to** the **detriment** of the mixture, it is **permitted.** Why does he use the term: Amplified? The Gemara answers that **this** is what Rabbi Yoḥanan **teaches us: That even if there are other substances that detracted** from the flavor of the mixture **along with** the forbidden food, e.g., insufficient salt or excessive seasoning, this is not taken into consideration; since the forbidden food detracted from its flavor, the mixture is permitted. The Gemara comments: **And the *halakha*** is **in accordance with the last version** of the statement **of Reish Lakish.**

אָמַר רַב כָּהֲנָא, מִדִּבְרֵי כּוּלָּם נִלְמַד: נוֹתֵן טַעַם לְפָגָם – מוּתָּר. אֲמַר לֵיהּ אַבָּיֵי: בְּשִׁלָּמָא מִכּוּלְּהוּ – לְחַיֵּי, אֶלָּא דְּרֵישׁ לָקִישׁ ״אָמְרוּ״ קָאָמַר, וְלֵיהּ לָא סְבִירָא לֵיהּ.

§ **Rav Kahana says: From the statements of all** the *amora'im* who were cited, namely, Shmuel, Rabbi Yoḥanan, and Reish Lakish, **we learn** that if a forbidden food **imparts flavor** to a permitted food **to** the **detriment**[H] of the mixture, it is **permitted. Abaye said to him: Granted, from all** the rest **of them** this conclusion **is very well; but** how can this be concluded from the statement **of Reish Lakish? He says** only that the Sages **said** that if a forbidden food imparts flavor to a permitted food to its detriment, the mixture is permitted. Perhaps he is only citing what others said **and he himself does not hold accordingly.**

מִכְּלָל דְּאִיכָּא לְמַאן דְּאָמַר: נוֹתֵן טַעַם לְפָגָם – אָסוּר?

The Gemara asks with regard to Rav Kahana's statement: **By inference, is there one who says** that if a forbidden food **imparts flavor** to a permitted food **to** the **detriment** of the mixture, it is **forbidden?**

אִין, וְהָתַנְיָא: אֶחָד נוֹתֵן טַעַם לְפָגָם וְאֶחָד נוֹתֵן טַעַם לִשְׁבָּח – אָסוּר, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי שִׁמְעוֹן אוֹמֵר: לִשְׁבָּח – אָסוּר, וְלִפְגָּם – מוּתָּר.

The Gemara answer: **Yes, and** this opinion **is taught** in a *baraita*: **Both** in a case where the forbidden food **imparts flavor to** the **detriment** of the flavor of the permitted food, **and** in a case where it **imparts flavor that enhances** the permitted food, the mixture is **forbidden;** this is **the statement of Rabbi Meir. Rabbi Shimon says:** If it **enhances** the flavor it is **forbidden, but** if it causes it **detriment** it is **permitted.**

מַאי טַעְמָא דְּרַבִּי מֵאִיר? גָּמַר מִגִּיעוּלֵי גּוֹיִם, גִּיעוּלֵי גּוֹיִם לָאו נוֹתֵן טַעַם לְפָגָם הוּא? וְאָסַר רַחֲמָנָא, הָכִי נַמִּי לָא שְׁנָא.

The Gemara explains: **What is the reasoning of Rabbi Meir? He derives** this *halakha* **from** the case of vessels of **gentiles** that require **purging,** i.e., vessels that gentiles used for cooking, which the Torah requires that one purge through fire and ritually purify before they may be used by Jews (see Numbers 31:22–23 and mishna on 75b). **Is it not** the case that vessels of **gentiles** that require **purging impart flavor** to food that is cooked in them **to** their **detriment?** Since time has passed since the gentiles cooked non-kosher food in the vessels, the flavor that the vessels transmit to food that a Jew cooks in them is certainly detrimental, **and** yet **the Merciful One deems** their use **prohibited** without purging. **So too,** the case here **is no different,** and even if the flavor imparted by the forbidden food is a detrimental one, the mixture should be forbidden.

וְאִידָךְ? כִּדְרַב הוּנָא בְּרֵיהּ דְּרַב חִיָּיא, דְּאָמַר רַב הוּנָא בְּרֵיהּ דְּרַב חִיָּיא: לֹא אָסְרָה תּוֹרָה אֶלָּא קְדֵירָה בַּת יוֹמָא, דְּלָא לְפָגָם הוּא. וְאִידָךְ? קְדֵירָה בַּת יוֹמָא נַמִּי אִי אֶפְשָׁר דְּלָא פָּגְמָה פּוּרְתָּא.

And the opinion of **the other** *tanna*, Rabbi Shimon, who deems the mixture permitted if the flavor imparted is detrimental, can be explained **in accordance with** the opinion **of Rav Huna, son of Rav Ḥiyya; as Rav Huna, son of Rav Ḥiyya, says:** With regard to the vessels of gentiles, **the Torah prohibits only a pot** that was used for cooking **on that** very **day,**[H] **which does not** yet impart flavor **to** the **detriment** of the food cooked in it. Rather, the flavor that it imparts is not considered detrimental. **And** the opinion of **the other** *tanna*, Rabbi Meir, can also be explained in accordance with this statement, as in his opinion, **even** in the case of **a pot** that was used for cooking **on that** very **day, it is not possible that it does not detract** from the flavor of food that is subsequently cooked in it even **slightly.**[N]

NOTES

The flavor of it but not its substance – טַעְמוֹ וְלֹא מַמָּשׁוֹ: This refers to a case where, e.g., forbidden fat fell into food cooking in a dish and dissolved in it to the point where it cannot be recognized (Rashi). Alternatively, if one found the piece of forbidden fat and removed it from the pot, so that the actual fat is no longer there, but the flavor it imparted is still in the dish, it is considered as though it were wholly absorbed in the dish.

It is forbidden but one is not flogged for it – אָסוּר וְאֵין לוֹקִין עָלָיו: Rashi (*Ḥullin* 108a) explains that this means that mere flavor is not prohibited by Torah law at all, because the forbidden substance is not discernible, and therefore one is not flogged for it. The Ramban agrees. Other early commentaries explain that it is prohibited by Torah law but one is not flogged for consuming it. They cite proof from several *halakhot*, e.g., the *halakha* that vessels of gentiles require purging, or that meat cooked in milk becomes forbidden, which indicate that the flavor of the forbidden substance renders the dish into which it was mixed forbidden by Torah law.

It is not possible that it does not detract even slightly – אִי אֶפְשָׁר דְּלָא פָּגְמָה פּוּרְתָּא: *Tosafot* explain that the dispute between Rabbi Meir and Rabbi Shimon is with regard to whether a vessel that has been used for cooking within the last day imparts a flavor that is slightly detrimental or that is not detrimental at all. In Rabbi Meir's opinion, it is slightly detrimental, so he can derive from the *halakha* that vessels of gentiles require purging that even a detrimental flavor renders a mixture forbidden. According to Rabbi Shimon, that flavor is not detrimental at all. Other early commentaries explain that Rabbi Shimon agrees that this flavor is slightly detrimental, but that this cannot serve as a source for the *halakha* with regard to cases where the flavor is more detrimental, e.g., a pot that has not been cooked in within the past day.

HALAKHA

Imparts flavor to the detriment – נוֹתֵן טַעַם לְפָגָם: Any forbidden substance that imparts a detrimental flavor to a mixture does not render the mixture forbidden. Even in a case where its flavor is not detrimental in and of itself, but merely has a detrimental impact on the flavor of the mixture, the mixture is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:28; *Shulḥan Arukh*, *Yoreh De'a* 103:1).

A pot on that day – קְדֵירָה בַּת יוֹמָא: A forbidden substance does not necessarily need to render a mixture inedible in order for the flavor it imparts to be considered detrimental. Rather, even if the forbidden substance causes the flavor of the mixture in the dish to be slightly worse, it is considered detrimental, and therefore it does not render the mixture forbidden. This is in accordance with the statement of Rav Huna, son of Rav Ḥiyya. Nevertheless, cooking in such a dish is prohibited *ab initio* by rabbinic law (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:2; *Shulḥan Arukh*, *Yoreh De'a* 103:2, 5).

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וְרַבִּי שִׁמְעוֹן מַאי טַעְמָא? דְּתַנְיָא: ״לֹא תֹאכְלוּ כָּל נְבֵלָה לַגֵּר אֲשֶׁר בִּשְׁעָרֶיךָ – כָּל הָרְאוּיָה לְגֵר קְרוּיָה נְבֵילָה,

The Gemara asks: **And what is the reasoning** of **Rabbi Shimon?**[N] It is **as it is taught** in a *baraita* that from the verse: **"You shall not eat of any unslaughtered animal carcass; you may give it to the resident alien** [*la'ger*] **who is within your gates,** that he may eat it" (Deuteronomy 14:21), it is derived that with regard to animal carcasses, **anything that is fit for a *ger toshav***[N] to consume **is called an unslaughtered carcass** and is forbidden,

שֶׁאֵין רְאוּיָה לְגֵר אֵינָהּ קְרוּיָה נְבֵלָה.

and any carcass **that is unfit** even **for a *ger toshav*** to consume, e.g., one that turned rancid and is unfit for consumption, **is not called an unslaughtered carcass** with regard to its prohibition.

וְרַבִּי מֵאִיר? הַהוּא לְמַעוּטֵי סְרוּחָה מֵעִיקָּרָא. וְרַבִּי שִׁמְעוֹן? סְרוּחָה מֵעִיקָּרָא לָא צְרִיכָא מִיעוּטָא, עַפְרָא בְּעָלְמָא הוּא.

And what can **Rabbi Meir** respond to this? He could say: **That** verse is written **to exclude** meat that was **rancid at the outset,**[N] i.e., that was not fit for consumption even before the animal's death, due to a defect in the animal. By contrast, a carcass that was fit for consumption when the animal died and was consequently rendered forbidden remains forbidden even when it becomes rancid. **And Rabbi Shimon** could counter that meat that was **rancid at the outset does not need** specific **exclusion** by the verse, as **it is** considered as **mere dust** and does not fall under the category of an unslaughtered animal carcass.

אָמַר עוּלָּא: מַחֲלוֹקֶת – שֶׁהִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם, אֲבָל פָּגַם מֵעִיקָּרָא – דִּבְרֵי הַכֹּל מוּתָּר.

§ **Ulla says:** This **dispute** between Rabbi Meir and Rabbi Shimon is with regard to a forbidden food **that enhanced** the flavor of a dish when it first fell into it **and subsequently detracted** from its flavor. In this case Rabbi Meir deems the dish forbidden, since the forbidden food enhanced its flavor at the outset. **But** in a case of forbidden food that **detracted** from the flavor of the dish **at the outset, everyone agrees** that it is **permitted.**

אֵיתִיבֵיהּ רַב חַגָּא לְעוּלָּא: יַיִן שֶׁנָּפַל לְתוֹךְ עֲדָשִׁים, וְחוֹמֶץ שֶׁנָּפַל לְתוֹךְ גְּרִיסִין – אָסוּר, וְרַבִּי שִׁמְעוֹן מַתִּיר; וְהָא הָכָא דְּפָגַם מֵעִיקָּרָא הוּא וּפְלִיגִי!

Rav Ḥagga raised an objection to the opinion of **Ulla** from a *baraita*: Forbidden **wine that fell into lentils, or** forbidden **vinegar that fell into split beans,** renders the food **forbidden. And Rabbi Shimon deems** them **permitted. But here** it is a case **where** the forbidden food **detracted** from the flavor of the dish **at the outset, and** the *tanna'im* **disagree.**

אָמַר עוּלָּא: חַגָּא לָא מַיְדַּע יְדַע מַאי קָאָמְרִי רַבָּנַן, תִּיוּבְתָּא קָא מוֹתֵיב? הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁנָּפַל לְתוֹךְ גְּרִיסִין צוֹנְנִין וְהִרְתִּיחָם, נַעֲשָׂה כְּמִי שֶׁהִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם, וְאָסוּר.

Ulla said: Ḥagga does not know what the Sages say,[N] yet **he raises an objection? Here we are dealing with** a case **where** the vinegar **fell into** the **cold split beans and** one subsequently **heated them,** in which case **it becomes like** a forbidden food **that enhanced** the flavor of the mixture **and subsequently detracted** from it, as vinegar enhances the flavor of cold split beans, **and it is** consequently **forbidden** according to Rabbi Meir.

NOTES

And what is the reasoning of Rabbi Shimon – וְרַבִּי שִׁמְעוֹן מַאי טַעְמָא: The Gemara is asking what caused Rabbi Shimon to adopt a forced interpretation of the verse, i.e., that only vessels that had been used for cooking within the past day require purging, when it would be more straightforward to say that all the gentiles' vessels require purging. Others explain that the Gemara is asking upon what basis Rabbi Shimon derives a distinction between a slightly detrimental flavor and a more detrimental flavor (see Ritva and *Tosefot Rabbeinu Yeḥiel miParis*).

Anything that is fit for a *ger toshav* – כָּל הָרְאוּיָה לְגֵר: The *tanna* of the *baraita* understands that the carcass must be edible, as the verse states: "You may give it to the resident alien who is within your gates, that he may eat it."

Perek **V**
Daf **68** Amud **a**

NOTES

Rancid at the outset – סְרוּחָה מֵעִיקָּרָא: An example would be a diseased animal, which was unfit for consumption even before becoming a carcass (Rashi), or an animal infested by maggots while alive (Ra'avad).

Does not know what the Sages say, etc. – לָא מַיְדַּע יְדַע מַאי קָאָמְרִי רַבָּנַן וכו': Both Shmuel and Rabbi Yoḥanan explain the mishna that deems permitted split beans onto which gentiles' wine vinegar fell (see 67a) as referring to a case where the vinegar fell into hot split beans, as the flavor imparted by the vinegar to the beans is detrimental. But if the vinegar spilled onto cold split beans and one subsequently heated them, it is a case where the vinegar first enhanced the taste of the beans and then was detrimental, and they are forbidden, in accordance with the statement of Ulla concerning the opinion of Rabbi Meir.

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וְרַבִּי יוֹחָנָן אָמַר: בְּפוֹגֵם מֵעִיקָּרָא מַחֲלוֹקֶת.

And Rabbi Yoḥanan says: The dispute between Rabbi Meir and Rabbi Shimon is **with regard to** a case where the forbidden food **detracts** from the flavor of the permitted food **from the outset.**[N]

אִיבַּעְיָא לְהוּ: בְּפוֹגֵם מֵעִיקָּרָא מַחֲלוֹקֶת, אֲבָל הִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם – דִּבְרֵי הַכֹּל אָסוּר, אוֹ דִלְמָא בֵּין בְּזוֹ וּבֵין בְּזוֹ מַחֲלוֹקֶת? תֵּיקוּ.

A dilemma was raised before the Sages: Does Rabbi Yoḥanan mean that the **dispute is with regard to** a case where the forbidden food **detracts** from its flavor **from the outset, but** if it **enhanced** it at first **and subsequently detracted** from it, **everyone agrees** that it is **forbidden? Or, perhaps** he means that the **dispute** is **both in this** case **and in that** case. The Gemara comments: The dilemma **shall stand** unresolved.

אֲמַר רַב עַמְרָם: אֶפְשָׁר אִיתָא לְהָא דְּרַבִּי יוֹחָנָן, וְלָא תַּנְיָא לָהּ בְּמַתְנִיתִין?

Rav Amram said: Is it possible that **there is** substance **to this** statement **of Rabbi Yoḥanan,** i.e., that there is disagreement with regard to a case where the forbidden food detracts from the flavor of the permitted food from the outset, **but it is not taught in the Mishna?**

נְפַק דַּק וְאַשְׁכַּח, דְּתַנְיָא: שְׁאוֹר שֶׁל חוּלִּין שֶׁנָּפַל לְתוֹךְ הָעִיסָּה וְיֵשׁ בּוֹ כְּדֵי לְהַחְמִיץ וְהֶחֱמִיצָה, וְאַחַר כָּךְ נָפַל שְׁאוֹר שֶׁל תְּרוּמָה אוֹ שְׁאוֹר שֶׁל כִּלְאֵי הַכֶּרֶם וְיֵשׁ בּוֹ כְּדֵי לְהַחְמִיץ – אָסוּר, וְרַבִּי שִׁמְעוֹן מַתִּיר;

Rav Amram **went out, examined** the Mishna, **and discovered that** this dispute **is taught** in a mishna (*Orla* 2:8): In the case of **non-sacred leaven that fell into the dough,**[H] **and there is enough of it to cause** the dough **to become leavened, and** the dough indeed **became leavened, and subsequently leaven of *teruma*, or leaven of** forbidden **diverse kinds** planted **in a vineyard, fell** into this dough, **and there is enough of it to cause** the dough **to become leavened,** the dough is **forbidden,** because the forbidden leaven is considered to have contributed to the process of the leavening. **But Rabbi Shimon deems** the dough **permitted,** because the additional leaven has a negative impact on the dough, which was already leavened.

וְהָא הָכָא דְּפָגַם מֵעִיקָּרָא הוּא, וּפְלִיגִי!

Rav Amram comments: **But here it is** a case **where** the forbidden substance **detracted** from the flavor of the dough **at the outset, and** Rabbi Meir and Rabbi Shimon **disagree,** as a mishna that is not attributed explicitly to a *tanna* represents the opinion of Rabbi Meir.

אֲמַר רַבִּי זֵירָא: שָׁאנֵי עִיסָּה, הוֹאִיל וּרְאוּיָה לְחַמֵּעַ בָּהּ כַּמָּה עִיסּוֹת אֲחֵרוֹת.

Rabbi Zeira said: Dough is different, because even if the additional leaven is detrimental to its flavor, in any event the dough is enhanced, **since it is suitable for leavening several other** batches of **dough with it.** The more it is leavened, the more it is enhanced in terms of this purpose.

תָּא שְׁמַע: שְׁאוֹר שֶׁל תְּרוּמָה וְשֶׁל חוּלִּין שֶׁנָּפְלוּ לְתוֹךְ הָעִיסָּה, בְּזֶה כְּדֵי לְהַחְמִיץ וּבְזֶה כְּדֵי לְהַחְמִיץ, וְחִימְּצוּ – אָסוּר, רַבִּי שִׁמְעוֹן מַתִּיר. נָפַל שֶׁל תְּרוּמָה תְּחִלָּה – דִּבְרֵי הַכֹּל אָסוּר. נָפַל שֶׁל חוּלִּין וְאַחַר כָּךְ נָפַל שֶׁל תְּרוּמָה אוֹ שֶׁל כִּלְאֵי הַכֶּרֶם – אָסוּר, וְרַבִּי שִׁמְעוֹן מַתִּיר;

The Gemara suggests another source for the statement of Rabbi Yoḥanan: **Come** and **hear** that which is taught in a *baraita*: In the case of **leaven of *teruma* and non-sacred** leaven **that fell into the dough,** if **this one** was **sufficient to cause** the dough **to become leavened and that one** was **sufficient to cause** the dough **to become leavened, and they** both **cause** the dough **to become leavened,** it is **forbidden. Rabbi Shimon deems** it **permitted.** If the leaven **of *teruma* fell** in **first, everyone agrees** that it is **forbidden.** If the **non-sacred** leaven **fell** in first **and subsequently** the leaven **of *teruma* or of diverse kinds** that were planted **in a vineyard fell** in, this is also **forbidden; but Rabbi Shimon deems** it **permitted.**

וְהָא הָכָא דְּפָגַם מֵעִיקָּרָא, וּפְלִיגִי! וְכִי תֵּימָא, הָכָא נַמִּי

The Gemara comments: **But here** it is a case **where** the forbidden substance **detracted** from the flavor of the dough **from the outset, and they disagree. And if you would say: Here too,**

NOTES

The dispute is with regard to where the forbidden food detracts from the outset – בְּפוֹגֵם מֵעִיקָּרָא מַחֲלוֹקֶת: This is not comparable to the case of a rancid animal carcass, because in that case, the forbidden food itself had a bad taste. By contrast, here the forbidden food itself has a good taste, but it has a detrimental impact on the taste of the mixture into which it falls (Ra'avad; see Maharsha).

HALAKHA

Non-sacred leaven that fell into the dough, etc. – שְׁאוֹר שֶׁל חוּלִּין שֶׁנָּפַל לְתוֹךְ הָעִיסָּה וכו': If leaven of *teruma* or leaven of diverse kinds in a vineyard fell into a leavened dough, and this leaven would have been sufficient to leaven the dough if it had not already been leavened, the entire dough is rendered forbidden, in accordance with the statement of the first *tanna* and the statement of Rabbi Zeira (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:16 and *Kesef Mishne* there).

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כִּדְרַבִּי זֵירָא – תָּא שְׁמַע מִסֵּיפָא: הַיַּיִן שֶׁנָּפַל לְתוֹךְ עֲדָשִׁים, וְחוֹמֶץ שֶׁנָּפַל לְתוֹךְ גְּרִיסִין – אָסוּר, וְרַבִּי שִׁמְעוֹן מַתִּיר; וְהָא הָכִי נַמִּי דְּפָגַם מֵעִיקָּרָא, וּפְלִיגִי!

this can be explained in accordance with the explanation **of Rabbi Zeira** that dough is different because it is enhanced in any event, **come** and **hear** a refutation of that explanation **from the latter clause** of the same *baraita*: Forbidden **wine that fell into lentils or** forbidden **vinegar that fell into split beans** renders the food **forbidden. And Rabbi Shimon deems** them **permitted. And** here **also,** it is a case **where** the forbidden substance **detracted** from the flavor of the dough **from the outset, and they disagree.**

וְכִי תֵּימָא, הָכָא נַמִּי כִּדְשַׁנֵּי לֵיהּ עוּלָּא לְרַבִּי חַגָּא: כְּשֶׁהִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם; וּמִי פְּלִיגִי כְּשֶׁהִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם? וְהָא קָתָנֵי: נָפַל שֶׁל תְּרוּמָה תְּחִלָּה – דִּבְרֵי הַכֹּל אָסוּר!

And if you would say: Here too, it can be explained **as Ulla responded to Rabbi Ḥagga,**[N] that the *baraita* is referring to a case **when** the vinegar **enhanced** the flavor of the split beans **and subsequently detracted** from it, e.g., where it spilled into cold split beans and then they were heated, this cannot be said, as **do they** actually **disagree** in a case **when** the forbidden substance **enhanced** the flavor of the permitted food **and subsequently detracted** from it? **But isn't it taught** in the first clause of the *baraita* that if the leaven of ***teruma* fell** in **first,** before the non-sacred leaven, **everyone agrees** that it renders the dough **forbidden,** as it enhanced the flavor of the dough at the outset, even though the flavor was subsequently detracted from by the non-sacred leaven?

אֶלָּא לָאו שְׁמַע מִינָּהּ: בְּפָגַם מֵעִיקָּרָא מַחֲלוֹקֶת, שְׁמַע מִינָּהּ.

Rather, must one **not conclude from it** that the **dispute** is **with regard to** a case where the forbidden substance **detracted** from the flavor of the food **from the outset?** The Gemara affirms: **Conclude from it** that this is so.

הָנֵי תְּלָתָא בָּבֵי דְּקָתָנֵי לָמָּה לִי? בִּשְׁלָמָא בָּבָא דְּסֵיפָא קָא מַשְׁמַע לָן: בְּפוֹגֵם מֵעִיקָּרָא מַחֲלוֹקֶת; מְצִיעָתָא נַמִּי: הִשְׁבִּיחַ וּלְבַסּוֹף פָּגַם – דִּבְרֵי הַכֹּל אָסוּר;

The Gemara asks: With regard to **those three clauses that** the *baraita* **teaches** concerning different cases, **why do I** need all three of them? **Granted, the last clause,** concerning the wine spilling into the lentils, **teaches us** that the **dispute** is **with regard to** a case where the forbidden substance **detracts** from the flavor of the food **from the outset. The middle clause,** with regard to the case where the leaven of *teruma* fell in first, **also** teaches a novel *halakha*, which is that in the case of a forbidden substance that **enhanced** the flavor of the food **and subsequently detracted** from it, **everyone agrees** that the mixture is **forbidden.**

אֶלָּא רֵישָׁא לָמָּה לִי? הָשְׁתָּא וּמַה סֵּיפָא דְּלָא קָא מַשְׁבַּח כְּלָל אָסְרִי רַבָּנַן, רֵישָׁא דְּקָא מַשְׁבַּח מִיבָּעֵיָא?

But why do I need **the first clause,** concerning the case of non-sacred leaven and leaven of *teruma* falling into the dough together? It could have been inferred from the other two clauses that the dough is forbidden, in the following manner: **Now** that in the case of **the last clause, where** the forbidden substance **does not enhance** the permitted food **at all, the Rabbis deem** it **forbidden, is** it **necessary** to say that it is forbidden in **the first clause, where** the forbidden substance **enhances** the food's flavor at first before detracting from it?

אָמַר אַבַּיֵי: רֵישָׁא לְרַבִּי שִׁמְעוֹן אִצְטְרִיךְ, וְהָכִי קָאָמְרִי לֵיהּ רַבָּנַן לְרַבִּי שִׁמְעוֹן: עִיסָּה זוֹ רְאוּיָה לְהַחְמִיץ בְּשָׁתֵּי שָׁעוֹת, מִי גָּרַם לָהּ שֶׁתַּחְמִיץ בְּשָׁעָה אַחַת? אִיסּוּר.

Abaye said: The first clause is necessary to teach that **Rabbi Shimon** deems it permitted. **And this** is what **the Rabbis said to Rabbi Shimon: This dough was fit to become leavened in two hours** if the permitted leaven had fallen into it alone. **What caused it to become leavened in one hour?**[N] The **forbidden** leaven. Therefore, the dough is forbidden.

וְרַבִּי שִׁמְעוֹן? כְּשֶׁהִשְׁבִּיחוּ – שְׁנֵיהֶם הִשְׁבִּיחוּ, כְּשֶׁפָּגְמוּ – שְׁנֵיהֶם פָּגְמוּ.

And Rabbi Shimon could respond that **when** the two types of leaven **enhanced** the flavor of the dough, **they both enhanced** it, not only the forbidden leaven; and **when they** subsequently **detracted** from it, **they both detracted** from it. Therefore, it is permitted.

לְרַבִּי שִׁמְעוֹן, לִיצְטָרֵף הֵיתֵּר וְאִיסּוּר בַּהֲדֵי הֲדָדֵי וְלִיתְסַר!

The Gemara asks: Even **according to** the opinion of **Rabbi Shimon, let** the **permitted** leaven **and** the **forbidden** leaven **combine together and render** the dough **forbidden,** since Rabbi Shimon concedes that if the permitted food was initially enhanced by the forbidden substance it is forbidden.

NOTES

As Ulla responded to Rabbi Ḥagga – כִּדְשַׁנֵּי לֵיהּ עוּלָּא לְרַבִּי חַגָּא: This does not refer to wine spilling into hot lentils, in which case the wine imparts a detrimental flavor from the outset. Rather, it refers to a case where the wine spilled into cold lentils and subsequently they were heated, a case in which it initially enhances the flavor and then detracts from it.

To become leavened in one hour – שֶׁתַּחְמִיץ בְּשָׁעָה אַחַת: Having the dough become leavened more quickly is considered an enhancement, as leavened dough is what the owner wants.

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רַבִּי שִׁמְעוֹן לְטַעְמֵיהּ, דְּאָמַר: אֲפִילּוּ אִיסּוּר וְאִיסּוּר נַמִּי לָא מִיצְטָרְפִי,

The Gemara responds: **Rabbi Shimon** conforms **to his** standard line of **reasoning, as he says** that **even a forbidden** substance **and** another **forbidden** substance **do not combine** to render a mixture forbidden. Accordingly, a forbidden substance and a permitted substance certainly do not.

דְּתָנַן: עָרְלָה וְכִלְאֵי הַכֶּרֶם מִצְטָרְפִין, רַבִּי שִׁמְעוֹן אוֹמֵר: אֵין מִצְטָרְפִין.

The Gemara comments: This is **as we learned** in a mishna (*Me'ila* 18a): If ***orla***[B] **and diverse kinds** planted **in a vineyard**[BH] fell into a permitted substance, and neither one is sufficient in its own quantity to render the mixture forbidden, **they combine** to render it forbidden if together they are of a sufficient quantity. **Rabbi Shimon says: They do not combine,** and each forbidden substance is treated individually. Here too, since when the forbidden leaven enhanced the dough, it was not sufficient to enhance it by itself, the permitted leaven does not combine with it to render the dough forbidden.

הַהוּא עַכְבְּרָא דִּנְפַל לְחָבִיתָא דְּשִׁיכְרָא, אָסְרִיהּ רַב לְהַהוּא שִׁיכְרָא; אֲמָרוּהָ רַבָּנַן קַמֵּיהּ דְּרַב שֵׁשֶׁת, נֵימָא קָסָבַר: נוֹתֵן טַעַם לִפְגָם אָסוּר?

§ The Gemara recounts an incident involving **a certain mouse that fell into a barrel of beer. Rav deemed that** barrel of **beer forbidden. The Sages said before Rav Sheshet: Shall we say** that Rav **maintains** that even in a case where the forbidden substance **imparts flavor to** the **detriment** of the mixture, it is **forbidden?** Presumably, the mouse imparted flavor to the detriment of the beer.

אֲמַר לְהוּ רַב שֵׁשֶׁת, בְּעָלְמָא סָבַר רַב: נוֹתֵן טַעַם לִפְגָם מוּתָּר. וְהָכָא חִידּוּשׁ הוּא, דְּהָא מִימְאָס מְאִיס וּבְדִילִי אֵינָשֵׁי מִינַּיהּ, וַאֲפִילּוּ הָכִי אָסְרִיהּ רַחֲמָנָא, הִלְכָּךְ נוֹתֵן טַעַם לִפְגָם נַמִּי אָסוּר.

Rav Sheshet said to them: Rav generally maintains that in a case where the forbidden substance **imparts flavor to** the **detriment** of the mixture, it is **permitted. But here,** in the case of a mouse, **it is a novelty**[N] that the Torah prohibits the flavor from a mouse at all, **as it is repulsive**[N] **and people distance themselves from** consuming **it, and even so the Merciful One prohibits it. Therefore,** although it **imparts flavor to** the **detriment** of the mixture, it is **still forbidden.**

אֲמָרוּ לֵיהּ רַבָּנַן לְרַב שֵׁשֶׁת: אֶלָּא מֵעַתָּה, לִיטַּמֵּא לַח וְיַבֵּשׁ, אַלְמָּה תְּנַן: מְטַמְּאִין לַחִים וְאֵין מְטַמְּאִין יְבֵשִׁים!

The Sages said to Rav Sheshet: If that is so, that the *halakha* with regard to a mouse is considered a novelty and is therefore understood to be more stringent than the norm, then a dead mouse **should impart ritual impurity** whether it is **moist or dried out.**[N] **Why did we learn** in a mishna (*Nidda* 54b) that carcasses of creeping animals **impart impurity** when they are **moist**[H] **but do not impart impurity** when they are **dried out?**

וּלְטַעֲמֵיךְ, שִׁכְבַת זֶרַע תְּטַמֵּא לַח וְיַבֵּשׁ, אַלְמָּה תְּנַן: מְטַמְּאִין לַחִין וְאֵין מְטַמְּאִין יְבֵשִׁין!

Rav Sheshet responded: **And according to your reasoning,** in which you compare the *halakhot* of ritual impurity to forbidden foods, then with regard to **semen,**[N] which is also repulsive, it **should impart impurity** whether **moist or dried out.**[H] **Why did we learn** in a mishna (*Nidda* 54b) that semen **imparts impurity** when it is **moist but it does not impart impurity** when it is **dried out?**

BACKGROUND

Orla – **עָרְלָה:** It is prohibited to eat or derive benefit from the fruit that grows during the first three years after a tree has been planted (see Leviticus 19:23). This prohibition applies only to the fruit but not to the other parts of the tree. In addition, the prohibition does not apply to trees planted not for their fruit but as a fence for property or as a wind buffer.

Diverse kinds planted in a vineyard – **כִּלְאֵי הַכֶּרֶם:** It is prohibited to plant or maintain crops other than grapes in a vineyard (see Deuteronomy 22:9). In contrast to the prohibition against a mixture of diverse kinds, the forbidden crop grown in a vineyard may not be eaten or used. It renders the entire vineyard forbidden, and all the produce must be burned.

HALAKHA

Orla **and diverse kinds planted in a vineyard, etc.** – **עָרְלָה וְכִלְאֵי הַכֶּרֶם וכו':** If one part of *orla* fruit becomes mixed with two hundred parts of permitted fruit, the mixture is permitted. The *halakha* is the same with regard to diverse kinds. For example, if a quarter-*log* of *orla* wine, wine produced from diverse kinds, or a mixture of the two, was mixed with two hundred units of a quarter-*log* of permitted wine, the mixture is entirely permitted. If the forbidden wine fell into a quantity of wine less than two hundred times its volume, it is prohibited to derive benefit from the entire mixture (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:14).

They impart impurity when they are moist, etc. – **מְטַמְּאִין לַחִים וכו':** The flesh of a creeping animal that turned rancid to the point where it is unfit for a dog to consume is ritually pure. In a case where it dried up to the point of becoming like clay, if soaking it in lukewarm water for twenty-four hours would return it to its former state, it is ritually impure, but if not, it is ritually pure. This pertains to a part of a creeping animal. If the skeleton remains whole, since the entire shape of the animal is extant it is impure. According to the Rambam, this impurity is by rabbinic law (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 4:12).

Semen should impart impurity whether moist or dried out – **שִׁכְבַת זֶרַע תְּטַמֵּא לַח וְיָבֵשׁ:** Semen of a *zav* is impure only as long as it is moist, but once it has fully dried out it is no longer impure. Whether it is fully dried out can be determined by soaking it in lukewarm water for twenty-four hours. If the semen returns to its former state, it is impure; otherwise it is pure (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 2:1).

NOTES

Here it is a novelty – **וְהָכָא חִידּוּשׁ הוּא:** Rashi explains that the *halakha* that the mouse is forbidden is apparently not necessary, as a mouse is repulsive and is not eaten anyway. The fact that it and other creeping animals are forbidden means that they render forbidden a mixture in which they imparted flavor even if the flavor is to the detriment of the mixture (see *Tosafot*).

As it is repulsive – **דְּהָא מִימְאָס מְאִיס:** This suggests that a mouse might have been considered like an animal carcass, concerning which even Rabbi Meir, who maintains that an item that imparts a detrimental flavor is forbidden, concedes that it does not render a mixture forbidden (Ra'avad).

A dead mouse should impart ritual impurity whether moist or dried out – **אֶלָּא מֵעַתָּה לִיטַּמֵּא לַח וְיָבֵשׁ:** The Rid explains that if a moist mouse were to be considered edible, it would be understandable that there would be a distinction between a moist carcass of a mouse and a dried-out one with regard to ritual impurity. But once it has been established that a mouse is not edible in any event, there should be no difference between a moist or dried-out carcass with regard to impurity.

And according to your reasoning semen, etc. – **וּלְטַעֲמֵיךְ שִׁכְבַת זֶרַע וכו':** Rav Sheshet responded that if the *halakha* with regard to anything repulsive is that it should be ritually impure regardless of whether it is moist or dried out, the same would apply to semen. Rather, there is a Torah edict that these substances are not ritually impure when dried out, and repulsiveness is not a factor.

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אֶלָּא מַאי אִית לָךְ לְמֵימַר? ״שִׁכְבַת זֶרַע״ אָמַר רַחֲמָנָא – בִּרְאוּיָה לְהַזְרִיעַ, הָכָא נַמִי ״בְּמֹתָם״ אָמַר רַחֲמָנָא – כְּעֵין מוֹתָם.

Rather, what have you to say? With regard to the ritual impurity of semen, **the Merciful One states: "The flow of seed"** (Leviticus 15:16), meaning that the reference is to semen that is **fit to fertilize. Here too,** with regard to the ritual impurity of a mouse, the verse states: **"When they have died"** (Leviticus 11:32). **The Merciful One states** that the carcasses of creeping animals impart impurity only when they are **similar to** their state at time of **their death,** i.e., when they are still moist. Therefore, there is no contradiction to the claim that the prohibition against eating a mouse is a novelty and consequently applies even when it detracted from the flavor of the food into which it fell.

מַתְקִיף לָהּ רַב שִׁימִי מִנְּהַרְדְּעָא: וּמִי מְאִיס? וְהָלֹא עוֹלֶה עַל שֻׁלְחָן שֶׁל מְלָכִים! אֲמַר רַב שִׁימִי מִנְּהַרְדְּעָא, לָא קַשְׁיָא: הָא בְּדַדְבְרָא, הָא בְּדִמְתָא.

Rav Shimi of Neharde'a objects to the assumption that a mouse is repulsive: **And is it repulsive? But isn't it served at the table of kings** and considered a delicacy? **Rav Shimi of Neharde'a said** in clarification: This is **not difficult. This** statement, that a mouse is served as a delicacy, is stated **with regard to a field** mouse, and **that** statement, that it is repulsive, is stated **with regard to a city** mouse.

אֲמַר רָבָא, הִלְכְתָא: נוֹתֵן טַעַם לִפְגָם – מוּתָּר. וְעַכְבְּרָא בְּשִׁיכְרָא לָא יָדְעִנָא מַאי טַעְמָא דְּרַב, אִי מִשּׁוּם דְּקָסָבַר: נוֹתֵן טַעַם לִפְגָם אָסוּר, וְלֵית הִלְכְתָא כְּוָותֵיהּ; אִי מִשּׁוּם דְּקָסָבַר: נוֹתֵן טַעַם לִפְגָם מוּתָּר, וְעַכְבְּרָא בְּשִׁיכְרָא אַשְׁבּוּחֵי מַשְׁבַּח.

Rava said: The *halakha* is that if the forbidden substance **imparts flavor to** the **detriment** of the mixture, it is **permitted. But** with regard to **a mouse** that fell **into** a barrel of **beer, I do not know what the reason was that Rav** deemed it forbidden. I do not know **whether** it was **because he maintains** that if the forbidden substance **imparts flavor to** the **detriment** of the mixture it is **forbidden, and** if so, **the *halakha*** is **not in accordance with his** opinion, or **whether** it was **because** although **he maintains** that if the forbidden substance **imparts flavor to** the **detriment** of the mixture it is **permitted,**[H] **a mouse** that falls **into beer**[H] **enhances** its flavor.

אִיבַּעְיָא לְהוּ:

A dilemma was raised before the Sages:

HALAKHA

If it imparts flavor to the detriment of the mixture it is permitted – נוֹתֵן טַעַם לִפְגָם מוּתָּר: With regard to repulsive items from which one recoils, e.g., flies and other insects, if they were found in a cooked dish, they may be discarded and the food is permitted, because any flavor they impart does not render the dish forbidden. Even if they fell in the dish and they were dissolved in it, if the permitted substance constitutes the majority of the mixture, it is permitted, in accordance with the statement of Rava that in a case where the forbidden item imparts a detrimental flavor, the mixture is permitted, and not in accordance with the explanation of Rav Sheshet. The Rema says that if such repulsive items fall into beer or vinegar there is concern that they might impart an enhancing flavor (*Shulḥan Arukh*, *Yoreh De'a* 104:3, 107:2).

A mouse that falls into beer – עַכְבְּרָא בְּשִׁיכְרָא: A field mouse is considered to impart an enhancing flavor, since it is served at the table of kings, in accordance with the statement of Rav. With regard to a city mouse, it is uncertain whether it imparts an enhancing or detrimental flavor to vinegar or beer. Therefore, if the mouse is more than one part in sixty of the mixture it renders the mixture forbidden, in accordance with the statement of Rava and the conclusion of the Gemara. The Rambam and other halakhic authorities did not distinguish between different mice, but instead considered this uncertainty to pertain to a field mouse as well (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:31; *Shulḥan Arukh*, *Yoreh De'a* 104:1, and see *Shakh* and *Beur HaGra* there).

Perek **V**
Daf **69** Amud **a**

NOTES

Fell into vinegar – נָפַל לְגוּ חַלָּא: The Ra'avad says that the question is whether the mouse enhances the flavor of the vinegar or detracts from it, whereas Rashi explains that the question is whether due to the sharpness of the vinegar the mouse does not affect the flavor at all as it would beer.

Similar to spice of *teruma*, etc. – כְּתַבְלִין שֶׁל תְּרוּמָה וכו׳: Being that spices are not nullified regardless of the type of prohibition that applies to them, it must be said that the term: Of *teruma*, is by association. Having mentioned *teruma* previously, the spice is also referred to as *teruma* spice. The *Torat Ḥayyim* explains that the term is used as an example of spices that are forbidden in and of themselves, as opposed to spices that were rendered forbidden on account of a prohibited substance they absorbed, as those spices would render a mixture prohibited only if the spice is more than one part in sixty.

Calculated the amount of vinegar at fifty – שִׁיעֵר בְּחַלָּא בְּחַמְשִׁין: Rashi and the Ra'avad explain that Rav Aḥai maintained that because the vinegar is sharp the mouse does not impart any flavor to it, even if the flavor that it would theoretically impart would enhance the taste of the vinegar, even at a ratio of one to fifty. *Tosafot* explain that he maintained that the mouse does not enhance vinegar as much as it enhances beer, and for this reason it is nullified in fifty times its volume.

נָפַל לְגוּ חַלָּא, מַאי? אֲמַר לֵיהּ רַב הִילֵּל לְרַב אַשִׁי: הֲוָה עוּבְדָּא בֵּי רַב כָּהֲנָא, וַאֲסַר רַב כָּהֲנָא. אֲמַר לֵיהּ: הַהוּא אִימַּרְטוּטֵי אִימַּרְטַט.

If a mouse **fell into vinegar,**[N] **what** is the *halakha*? Does it enhance its flavor? **Rav Hillel said to Rav Ashi: There was** such **an incident** in **the study hall of Rav Kahana, and Rav Kahana deemed** the vinegar **forbidden.** This indicates that it enhances the flavor. Rav Ashi **said to him:** This is not a proof. **That** mouse **was dismembered,** and Rav Kahana deemed the vinegar forbidden due to concern that one might consume a substantive piece of the mouse in the vinegar, which is prohibited regardless of the taste.

רָבִינָא סָבַר לְשַׁעוּרֵי בְּמֵאָה וְחַד, אֲמַר: לָא גָּרַע מִתְּרוּמָה, דְּתָנַן: תְּרוּמָה עוֹלָה בְּאֶחָד וּמֵאָה. אֲמַר לֵיהּ רַב תַּחְלִיפָא בַּר גִּיזָא לְרָבִינָא: דִּלְמָא כְּתַבְלִין שֶׁל תְּרוּמָה בְּקִדֵּירָה דְּמֵי, דְּלָא בָּטִיל טַעֲמַיְיהוּ!

The Gemara relates: **Ravina thought** that the quantity of vinegar necessary for nullifying the flavor of the mouse should be **calculated at 101** times the volume of the mouse. **He said:** It should **not** be rendered **worse,** i.e., more stringent, **than *teruma*,** which is nullified by 101 times its volume in a mixture. This is **as we learned** in a mishna (*Terumot* 4:7): ***Teruma* is nullified** in a mixture **by 101** times its volume of permitted food. **Rav Taḥlifa bar Giza said to Ravina: Perhaps** this case is **similar to spice of *teruma*[N] in a pot, whose flavor is not nullified** even by 101 times its volume of permitted food, as the flavor imparted by spice is exceptionally strong.

רַב אַחַאי שִׁיעֵר בְּחַלָּא בְּחַמְשִׁין. רַב שְׁמוּאֵל בְּרֵיהּ דְּרַב אִיקָא שִׁיעֵר בְּשִׁיכְרָא בְּשִׁיתִּין.

Rav Aḥai calculated the amount **of vinegar** necessary to nullify the flavor of the mouse **at fifty**[N] times its volume. Although forbidden food in a mixture usually requires the presence of sixty times its volume of permitted food to be nullified, vinegar has a sharp enough flavor that it nullifies the mouse with less. **Rav Shmuel, son of Rav Ika, calculated** the amount **of beer** necessary for nullifying the mouse **at sixty** times the volume of the mouse.

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וְהִלְכְתָא: אִידִי וְאִידִי בְּשִׁיתִּין, וְכֵן כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה.

The Gemara concludes: **And the *halakha*** is that **this and that,** both vinegar and beer, nullify the mouse **with sixty**[H] times its volume, **and so** is the ruling for **all prohibitions in the Torah.**[H]

מתני׳ נָבְרִי שֶׁהָיָה מַעֲבִיר עִם יִשְׂרָאֵל כַּדֵּי יַיִן מִמָּקוֹם לְמָקוֹם, אִם הָיָה בְּחֶזְקַת הַמִּשְׁתַּמֵּר – מוּתָּר, אִם הוֹדִיעוֹ שֶׁהוּא מַפְלִיג – כְּדֵי שֶׁיִּשְׁתּוֹם וְיִסְתּוֹם וְיָגוֹב; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: כְּדֵי שֶׁיְּפַתֵּח אֶת הֶחָבִית וְיָגוֹף וְתִיגּוֹב.

MISHNA With regard to **a gentile who was transporting barrels of wine from** one **place to** another **place** together **with a Jew,**[H] **if** the wine **was under the presumption of being supervised,** it is **permitted.** But **if** the Jew **notified him that he was going far away,** the wine is forbidden if the Jew left for **a sufficient** amount of time **for** the gentile **to bore a hole** [***sheyishtom***][L] in the barrel, **seal** it again with plaster, **and** for the plaster to **dry. Rabban Shimon ben Gamliel says:** The wine is forbidden only if it was **sufficient** time **for** the gentile **to open the barrel**[N] by removing the stopper altogether, **stop**[B] it again by making a new stopper, **and** for the new stopper to **dry.**

הַמַּנִּיחַ יֵינוֹ בְּקָרוֹן אוֹ בִסְפִינָה, וְהָלַךְ לוֹ בְּקַפְּנַדַּרְיָא נִכְנַס לַמְּדִינָה וְרָחַץ – מוּתָּר,

With regard to **one who placed his wine in a wagon**[H] **or on a ship** with a gentile, **and went on his way by a shortcut** [***bekappendarya***],[L] such that the gentile does not know when the Jew will encounter him, even if the Jew **entered the city and bathed,** the wine is **permitted,** because the gentile would not use the wine for a libation, for fear the owner might catch him at it.

אִם הוֹדִיעוֹ שֶׁהוּא מַפְלִיג – כְּדֵי שֶׁיִּשְׁתּוֹם וְיִסְתּוֹם וְיָגוֹב; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: כְּדֵי שֶׁיְּפַתֵּח אֶת הֶחָבִית וְיָגוֹף וְתִיגּוֹב.

If the Jew **informed** the gentile **that he was going away** for a long period of time, the wine is forbidden if it was **sufficient** time **for** the gentile **to bore a hole** in the barrel, **seal** it again with plaster, **and** for the plaster to **dry. Rabban Shimon ben Gamliel says:** It is forbidden only if it was **sufficient** time **for him to open the barrel** by removing the stopper altogether, **stop** it again, **and** for the new stopper to **dry.**

LANGUAGE

Bore a hole [*yishtom*] – יִשְׁתּוֹם: The root *shin*, *tav*, *mem*, appears in the Bible in the phrase: "Whose eye is opened [*shetum*]" (Numbers 24:3). In rabbinic Hebrew, it appears to refer specifically to creating a small opening, e.g., boring a hole in an item.

Shortcut [*kappendarya*] – קַפְּנַדַּרְיָא: Apparently from the Latin via compendiaria, meaning a short way.

NOTES

To open the barrel – כְּדֵי שֶׁיְּפַתֵּח: In Rabban Shimon ben Gamliel's opinion, there is no concern that the gentile will bore a hole in the barrel, because the place of the hole and its resealing are visible. Rather, the concern is that he will unseal the clay stopper. Since the case is one of a ceramic barrel, the clay stopper will be broken, and subsequently a new clay stopper must be fashioned to reseal the barrel, and the gentile must wait for it to dry so that it will not be noticeable.

BACKGROUND

Stop – יָגוֹף: The stopper of a barrel was made of earthenware and was used to stop the narrow opening of a barrel of wine. This stopper was, in essence, a vessel in its own right, but while the barrel was being moved from place to place, or when it was being stored for a prolonged period, it would be plastered all around in order to hermetically seal the barrel. If it was necessary to open the barrel, the plaster seal would be broken and the stopper would be removed.

HALAKHA

This and that both nullify it with sixty – אִידִי וְאִידִי בְּשִׁיתִּין: A mouse that fell into vinegar or beer is nullified by one part in sixty, because there is a concern that the flavor imparted may have enhanced the mixture, in accordance with the conclusion of the Gemara. The Rambam rules that if the mouse fell into wine, oil, or honey, it certainly imparts a detrimental flavor, because these are substances whose flavor is aromatic, and sixty parts are not required to nullify it. The *Shulḥan Arukh* rules that this leniency applies to other liquids as well. The Rema cites a responsum of the Rosh, who is stringent with regard to a mouse that was mixed into permitted fat, and the *Shakh* understands this to be the opinion of the Rambam as well (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:31; *Shulḥan Arukh*, *Yoreh De'a* 104:1–2).

And so is the ruling for all prohibitions in the Torah – וְכֵן כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה: In the case of any substance prohibited by Torah law that was mixed with a permitted substance, if it is a type of food mixed with food not of its own type, it renders the mixture prohibited if it imparts its flavor. If there is no gentile available to taste the mixture and determine whether or not it imparted its flavor, it is nullified provided that there is sixty times the volume of the permitted substance. The Rema rules that the calculation is always applied. All agree that in the case of a type of food mixed with food of its own type, whose flavor cannot be discerned, the calculation is applied and it is nullified at one part in sixty, in accordance with the conclusion of the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:6; *Shulḥan Arukh*, *Yoreh De'a* 98:1, and see *Shakh* there).

A gentile who was transporting barrels of wine from place to place with a Jew – נָבְרִי שֶׁהָיָה מַעֲבִיר עִם יִשְׂרָאֵל כַּדֵּי יַיִן מִמָּקוֹם לְמָקוֹם: In a case where gentiles were transporting barrels of wine together with a Jew, and the Jew was walking behind them to supervise them, even if they were ahead of him by so much as one *mil*, the wine is permitted, as they are assumed not to have tampered with the wine for fear they would be discovered by the Jew. The *Shulḥan Arukh* rules that this applies on a roundabout road, where the Jew can come up unseen upon the gentiles, in accordance with the explanation in the Gemara. This applies to barrels that were stoppered properly, but not if they were completely unsealed (Ramban). If the Jew said to them: Go, and I will follow, or if he notified them that he was going to a distant place, and they were out of his sight long enough to remove the clay stopper and replace it with a new stopper and for the new stopper to dry, it is prohibited to drink the wine. If he was away for less time than that, it is permitted. If the barrels were open, then as soon as the gentiles are out of the Jew's sight they are rendered forbidden. The *Shakh* rules that today, the concern about wine being touched by a gentile applies only in circumstances where the gentile is likely to gain some benefit thereby, e.g., by drinking it or exchanging it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:16 and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 129:1, 3).

One who placed his wine in a wagon, etc. – הַמַּנִּיחַ יֵינוֹ בְּקָרוֹן וכו׳: In the case of one who left a gentile with his wine in a wagon or a ship and went to the bathhouse, the wine is permitted, even if it was left for a long time, because the gentile is concerned that the owner might appear at any time and see him. This applies even to open barrels, in the event that the road was roundabout and the gentile did not know that the owner went into the bathhouse (Ra'avad). If the owner informed the gentile that he was going into the bathhouse, or the gentile saw him going into the bathhouse and knows the owner will not emerge soon, open barrels are rendered forbidden the moment they are out of the owner's sight. Concerning sealed barrels, they are rendered forbidden after enough time has elapsed to open the seals, reseal the barrels, and have the new seals dry (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:17; *Shulḥan Arukh*, *Yoreh De'a* 129:1, 3).

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LANGUAGE

Jug [*lagin*] – לָגִין: Apparently from the Greek λάγυνος, *lagunos*, lagena in Latin, meaning a vessel like a bottle or small jug.

Side table [*dulebaki*] – דּוּלְבָּקִי: Apparently from the Greek δελφική, *delphikē*, a three-legged table, such as were commonly made in the town of Delphi. These tables were known as mensa delphica in talmudic-era Rome.

Ancient tripod table

BACKGROUND

Jugs – לָגִינִין: Usually made of earthenware, this type of jug was used to hold beverages on a table and pour them into goblets, like modern-day pitchers or bottles. These jugs usually held approximately 2–3 ℓ.

Jug from the talmudic period

הַמַּנִּיחַ נָכְרִי בְּחָנוּת, אַף עַל פִּי שֶׁיָּצָא וְנִכְנַס – מוּתָּר, וְאִם הוֹדִיעוֹ שֶׁהוּא מַפְלִיג – כְּדֵי שֶׁיִּשְׁתּוֹם וְיִסְתּוֹם וְיִגּוֹב; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: כְּדֵי שֶׁיִּפְתַּח אֶת הֶחָבִית וְיִגּוֹף וְיִתְיַגֵּב.

With regard to **one who left a gentile in** his **shop,**[H] **even if** the Jew **went out and came in** and was not there all the time, the wine is **permitted. But if** the Jew **informed** the gentile **that he was going away** for a long period of time, the wine is forbidden if it was **sufficient** time **for** the gentile **to bore a hole** in the barrel, **seal** it again with plaster, **and** for the plaster to **dry. Rabban Shimon ben Gamliel says:** The wine is forbidden only if it was **sufficient** time **for** him **to open the barrel, stop** it again, **and** for the new stopper to **dry.**

הָיָה אוֹכֵל עִמּוֹ עַל הַשּׁוּלְחָן, וְהִנִּיחַ לָגִינִין עַל הַשּׁוּלְחָן וְלָגִין עַל הַדּוּלְבָּקִי וְהִנִּיחוֹ וְיָצָא – מַה שֶּׁעַל הַשּׁוּלְחָן אָסוּר, שֶׁעַל הַדּוּלְבָּקִי מוּתָּר; וְאִם אָמַר לוֹ: ״הֲוֵי מוֹזֵג וְשׁוֹתֶה״ – אַף שֶׁעַל הַדּוּלְבָּקִי אָסוּר. חָבִיּוֹת פְּתוּחוֹת – אֲסוּרוֹת, סְתוּמוֹת – מוּתָּרוֹת, כְּדֵי שֶׁיִּפְתַּח וְיִגּוֹף וְיִתְיַגֵּב.

If a Jew **was eating with** a gentile[H] **at the table, and left jugs** [*laginin*][LB] of wine **on the table and a jug on the side table** [*hadulebaki*],[L] **and he left it and went out, what is on the table** is **forbidden,**[N] as it is likely that the gentile handled it, whereas **what is on the side table** is **permitted. But if** the Jew **said to** the gentile: **Mix** water with the wine **and drink, even** the jug **that is on the side table** is **forbidden.** Similarly, **open barrels are forbidden,**[N] but **sealed** barrels **are permitted** unless the Jew was out of the room for **sufficient time for** the gentile **to open** the barrel by removing the stopper, **and stop** it again by making a new stopper, **and** for the new stopper to **dry.**

גמ׳ הֵיכִי דָּמֵי ״בְּחֶזְקַת הַמְשְׁתַּמֵּר״? כִּדְתַנְיָא: הָרִי שֶׁהָיוּ חַמָּרָיו וּפוֹעֲלָיו טְעוּנִין טָהֳרוֹת, אֲפִילּוּ הִפְלִיג מֵהֶן יוֹתֵר מִמִּיל – טָהֳרוֹתָיו טְהוֹרוֹת; וְאִם אָמַר לָהֶן: ״לְכוּ וַאֲנִי בָּא אַחֲרֵיכֶם״, כֵּיוָן שֶׁנִּתְעַלְּמָה עֵינוֹ מֵהֶם – טָהֳרוֹתָיו טְמֵאוֹת.

GEMARA **What are the circumstances** described by the phrase: **Under the presumption of being supervised?** The Gemara explains: It is **as it is taught** in a *baraita*: If one's **donkey drivers and laborers were** unreliable with regard to ritual impurity [*amei ha'aretz*], and they were **laden with** wine or produce that was **ritually pure,**[H] and he had instructed them not to tamper with it but he does not know whether or not they heeded him, **even** if **he went away from them** to a distance of **more than a *mil*, his pure items are** still **pure,** as it may be presumed that they heeded his instructions. **But if he said to them: Go and I will come after you,** so that they knew he would not be going with them, then **once they are out of his sight his pure items are impure.**

מַאי שָׁנָא רֵישָׁא וּמַאי שָׁנָא סֵיפָא? אָמַר רַב יִצְחָק: רֵישָׁא, בְּמִטַּהֵר חַמָּרָיו וּפוֹעֲלָיו לְכָךְ.

The Gemara asks: **What is different** in **the first clause,**[N] where the produce is pure, **and what is different** in **the latter clause,** where it is impure? **Rav Yitzḥak said:** The ruling of **the first clause** is stated **with regard to** a case where **he purified his donkey drivers and laborers for this** assignment by having them immerse so they would not transfer impurity to the produce.

NOTES

What is on the table is forbidden – שֶׁעַל הַשּׁוּלְחָן אָסוּר: Since the Jew invited the gentile to dine with him, the gentile is uninhibited about mixing the wine on the table for himself (Rashi).

Open barrels are forbidden – חָבִיּוֹת פְּתוּחוֹת אֲסוּרוֹת: This refers not only to the barrels on the side table, but any other barrels in the house that were left there (Rashi; Rambam; see Meiri).

What is different in the first clause – מַאי שָׁנָא רֵישָׁא: Rashi explains that since the *baraita* is discussing loose produce, not produce in sealed barrels, it should be rendered ritually impure due to it being touched by the donkey drivers, even if the owner did not inform them that he was leaving, as the *baraita* states that the workers were laden with the produce, so it was touching them.

Tosafot hold that the produce is in barrels, albeit unsealed ones. Therefore, the produce will be rendered ritually impure only if the owner leaves but will be rendered impure even if he does not inform the workers that he is leaving.

HALAKHA

One who left a gentile in his shop, etc. – הַמַּנִּיחַ נָכְרִי בְּחָנוּת וכו׳: In the case of one who left a gentile in his shop, the wine in the shop is permitted, even if the barrels were open. If the Jew notified the gentile that he was going to a distant place, the open barrels are rendered forbidden the moment they are out of the Jew's sight. Concerning sealed barrels, they are rendered forbidden after enough time has elapsed to open the seals, reseal the barrels, and have the new seals dry (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:17; *Shulḥan Arukh*, *Yoreh De'a* 129:1, 3).

If he was eating with him – הָיָה אוֹכֵל עִמּוֹ: If a Jew was dining with a gentile and left open wine on the table and open wine on the side and went out, the wine on the table is rendered forbidden, and the wine within reach of the gentile is rendered forbidden. The wine not within his reach is permitted (Jerusalem Talmud). If the Jew said to the gentile: Mix and drink, then all of the open wine in the house is rendered forbidden, but sealed barrels in the house are permitted, unless enough time has elapsed to open the seals, reseal them, and have the new seals dry (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:18; *Shulḥan Arukh*, *Yoreh De'a* 129:7).

One's donkey drivers and laborers were *amei ha'aretz* and were laden with wine or produce that was ritually pure – חַמָּרָיו וּפוֹעֲלָיו טְעוּנִין טָהֳרוֹת: If one's donkey drivers and laborers were unreliable with regard to ritual impurity [*amei ha'aretz*] and they were laden with wine or produce that was pure, and they were walking in front of him, even if they moved more than one *mil* ahead of him the items are still considered pure. This is because the workers are presumed to be under his supervision, and they are afraid to touch the wine or produce, thinking he will come upon them at any moment. This applies where the road is a roundabout one, such that they cannot know when he will come upon them. If the owner said to them: Go ahead and I will come behind you, the moment they are out of his sight the items are rendered impure (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 13:5 and *Kesef Mishne* there).

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אִי הָכִי, סֵיפָא נַמִּי! אֵין עַם הָאָרֶץ מַקְפִּיד עַל מַגַּע חֲבֵירוֹ. אִי הָכִי, אֲפִילּוּ רֵישָׁא נַמִּי נֵימָא הָכִי!

The Gemara raises a difficulty: **If that is so,** in **the latter clause** this would **also** apply. The Gemara answers: **An *am ha'aretz* is not punctilious about contact with another** person. Although they themselves were purified, they may have met another *am ha'aretz* on the way, and the produce would be rendered impure by him. The Gemara further objects: **If so,** then **let us say so even** in **the first clause;** the produce should be impure in that case as well.

אֲמַר רָבָא:

Rava said:

Perek **V**
Daf **69** Amud **b**

בְּבָא לָהֶם דֶּרֶךְ עֲקַלְתּוֹן. אִי הָכִי, סֵיפָא נַמִּי! כֵּיוָן דְּאָמַר לָהֶם ״לְכוּ וַאֲנִי בָּא אַחֲרֵיכֶם״, סָמְכָא דַּעְתַּיְיהוּ.

It is a case **where he came to them in a roundabout way,**[H] such that they would not know from where he might appear, and they would be afraid to tamper with the goods because he might catch them in the act. The Gemara objects: **If that is so,** this can apply to **the latter clause also.** The Gemara answers: In the case of the latter clause, **since he said to them: Go and I will come after you, their minds are at ease** that he will not surprise them.

״הַמַּנִּיחַ נְכָרִי בְּחָנוּתוֹ כו׳ הַמַּנִּיחַ יֵינוֹ בְּקָרוֹן אוֹ בִּסְפִינָה״ כו׳. וּצְרִיכָא, דְּאִי תְּנָא נָכְרִי, דְּסָבַר: דִּילְמָא אָתֵי וְחָזֵי לֵיהּ, אֲבָל בְּקָרוֹן אוֹ בִּסְפִינָה – אֵימָא דְּמַפְלִיג לָהּ לִסְפִינְתֵּיהּ וְעָבֵיד מַאי דְּבָעֵי;

§ The mishna teaches similar cases, including the case of **one who left a gentile in his shop,** and the case of **one who placed his wine in a wagon or on a ship.** The Gemara explains: **And it is necessary** for the mishna to cite all these cases, even though they appear similar, **as, had** the mishna **taught** only the case of the **gentile** transporting a Jew's barrels, one might assume that the reason there is no concern that the gentile used the wine in that case is **because he thinks** that **perhaps** the owner **will come and see him. But in a wagon or on a ship,** one might **say that he can take his ship far off and do what he desires** in such a way that the owner cannot see him.

וְאִי תְּנָא בְּקָרוֹן אוֹ בִּסְפִינָה, מִשּׁוּם דְּסָבַר: דִּילְמָא אָתֵי בְּאוֹרְחָא אַחֲרִיתִי וְקָאֵי אַגּוּדָּא וְחָזֵי לִי, אֲבָל נָכְרִי בְּחָנוּתוֹ – אֵימָא אָחֵיד לָהּ לְבָבָא וְעָבֵיד כָּל דְּבָעֵי, קָא מַשְׁמַע לָן.

And had the mishna **taught** only the case where the Jew placed his wine **in a wagon or on a ship,** one might assume that the concern there is **because** the gentile **thinks: Perhaps he will come on a different road or stand on the bank** of the river **and see me. But** in the case of **a gentile in his shop,** one might **say** that **he can hold the door** closed **and do whatever he desires** with no concern of being seen. Therefore, the mishna **teaches us** that in all of these cases the same ruling applies, and there is no concern unless the Jew informed the gentile that he is going a great distance away.

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: מַחֲלוֹקֶת בְּשֶׁל סִיד, אֲבָל בְּשֶׁל טִיט – דִּבְרֵי הַכֹּל כְּדֵי שֶׁיִּפְתַּח וְיִגּוֹף וְיִגּוֹב.

§ There is a dispute in the mishna with regard to the length of time that causes the wine to be rendered forbidden if the owner notified the gentile that he is going off some distance. **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** The **dispute** is only **with regard to** the case of a stopper made **of lime plaster,**[H] in which a hole can be sealed without being detected; **but with regard to** the case of a stopper made **of clay,** in which a patch would be detected, **everyone agrees** that the wine is forbidden only if there was **enough time for** the gentile **to open** the barrel by removing the stopper entirely, **stop** it again with a new stopper, **and** for the new stopper to **dry.**

מֵיתִיבִי, אָמַר רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל לַחֲכָמִים: וְהָלֹא סִתּוּמוֹ נִיכָּר בֵּין מִלְמַעְלָה וּבֵין מִלְמַטָּה;

The Gemara **raises an objection** to this explanation of the dispute from a *baraita*: **Rabban Shimon ben Gamliel said to the Rabbis: But isn't the sealing of** the hole **noticeable both from above and from below,** and therefore the gentile will be wary of doing so?

אִי אָמְרַתְּ בְּשֶׁלָּמָא בְּשֶׁל טִיט מַחֲלוֹקֶת – הַיְינוּ דְּקָתָנֵי: סִתּוּמוֹ נִיכָּר בֵּין מִלְמַעְלָה וּבֵין מִלְמַטָּה; אֶלָּא אִי אָמְרַתְּ בְּשֶׁל סִיד מַחֲלוֹקֶת, בְּשֶׁלָּמָא לְמַטָּה יְדִיעַ, אֶלָּא לְמַעְלָה הָא לָא יְדִיעַ!

The Gemara explains the objection: **Granted, if you say** that the **dispute** is also **with regard to** a stopper made **of clay, this** explanation is consistent with **that which** the *baraita* **teaches** as to the response of Rabban Shimon ben Gamliel: **Its sealing is noticeable both from above and from below. But if you say** that the **dispute is with regard to** a stopper made **of lime plaster, granted,** the location of the sealing **is noticeable from below,** as it is impossible to fill the entire hole with lime plaster, and an empty space remains below it; **but** the resealing **is not noticeable from above.**

HALAKHA

In a roundabout way – בְּדֶרֶךְ עֲקַלְתּוֹן: Barrels of wine that were left with a gentile are permitted if there is a roundabout way that the owner can come upon the gentile without being seen in advance, in accordance with the statement of Rava. The Rashba rules that this applies when the gentile is alone, but if there are two or more gentiles the wine is forbidden, as one of them can be on the lookout while the other tampers with the wine (*Shulḥan Arukh*, *Yoreh De'a* 129:1–2).

The dispute is only with regard to a stopper made of lime plaster – מַחֲלוֹקֶת בְּשֶׁל סִיד: If a Jew told gentiles who were transporting wine for him that he was going far off from them or that he would follow along behind them, even sealed barrels are rendered forbidden if the Jew was away from them long enough that they could remove the stopper, replace it, and let the new stopper dry. This applies whether the stopper was of clay or of plaster, in accordance with the statement of Rabbi Yoḥanan. Some hold that if the barrels were sealed the wine is permitted in any event, because for wine a single seal is sufficient, and a stopper is ruled as a seal (Rabbeinu Tam). The Rema says that this may be relied upon in a situation of potential significant monetary loss (*Shulḥan Arukh*, *Yoreh De'a* 129:1, and in the comment of Rema).

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רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל הוּא דְּלָא יָדַע מַאי קָאָמְרִי רַבָּנַן, וְהָכִי קָאָמַר לְהוּ: אִי בְּשֶׁל טִיט קָאָמְרִיתוּ – סְתוּמוֹ נִיכָּר בֵּין מִלְמַעְלָה וּבֵין מִלְמַטָּה, וְאִי בְּשֶׁל סִיד קָאָמְרִיתוּ, נְהִי דְּלְמַעְלָה לָא יְדִיעַ, לְמַטָּה מִיהָא יְדִיעַ. וְרַבָּנַן? כֵּיוָן דְּמִלְמַעְלָה לָא יְדִיעַ, לָא מַסֵּיק אַדַּעְתַּיהּ דְּאַפּוֹךְ וְחָזֵי לֵיהּ. אִי נַמִי, זִימְנִין דְּחָלֵים.

The Gemara answers: **It was Rabban Shimon ben Gamliel who did not know what the Rabbis were saying, and this** is what **he is saying to them: If you are speaking of** a stopper made **of clay, its sealing is noticeable both from above and from below. And if you are speaking of** a stopper made **of lime plaster, granted, it is not noticeable from above,** but **it is noticeable, in any event, from below. And** how would **the Rabbis** respond to this claim? They maintain that **since it is not noticeable from above** that there is a patch, **it does not occur to** the gentile **that** the owner **will turn** the stopper **over and see** the patch. **Alternatively,** the Rabbis could answer that **sometimes it seals firmly** and is not detectable.

אָמַר רָבָא: הֲלָכָה כְּרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל, הוֹאִיל וּתְנַן סְתָמָא כְּוָותֵיהּ;

Rava says: The ***halakha*** is **in accordance with** the opinion of **Rabban Shimon ben Gamliel, since we learned an unattributed** mishna **in accordance with his** opinion.

דְּתַנַן: הָיָה אוֹכֵל עַל הַשּׁוּלְחָן עִמּוֹ, וְהִנִּיחַ לָגִין עַל הַשּׁוּלְחָן לָגִין עַל הַדּוּלְבָּקִי וְהִנִּיחַ וְיָצָא – מַה שֶּׁעַל הַשּׁוּלְחָן אָסוּר, מַה שֶּׁעַל הַדּוּלְבָּקִי מוּתָּר. וְאִם אָמַר לוֹ: ״תֵּן מָזוֹג וְשׁוֹתֶה״ – אַף שֶׁעַל הַדּוּלְבָּקִי אָסוּר; חָבִיּוֹת פְּתוּחוֹת – אֲסוּרוֹת, סְתוּמוֹת – מוּתָּרוֹת, כְּדֵי שֶׁיִּפְתַּח וְיִגּוֹף וְתִגּוֹב.

This is **as we learned** in the last clause of the mishna: If a Jew **was eating with** a gentile **at the table, and left jugs** of wine **on the table and a jug on the side table, and he left it and went out, what is on the table** is **forbidden,** as it is likely that the gentile handled it, whereas **what is on the side table** is **permitted. But if** the Jew **said to** the gentile: **Mix** water with the wine **and drink, even** the jug **that is on the side table** is **forbidden.** Similarly, **open barrels are forbidden,** but **sealed** barrels **are permitted** unless the Jew was out of the room for **sufficient time for** the gentile **to open** the barrel by removing the stopper, **stop** it again by making a new stopper, **and** for the new stopper to **dry.**

פְּשִׁיטָא! מַהוּ דְּתֵימָא כּוּלָּהּ רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל קָתָנֵי לָהּ, קָא מַשְׁמַע לָן.

The Gemara asks: Isn't it **obvious?** This ruling is stated explicitly in the mishna. The Gemara answers: **Lest you say** that **Rabban Shimon ben Gamliel teaches the entire** clause, and this is the continuation of his previous statement and not an unattributed statement of the mishna, Rava **teaches us** that this is not so.

וְכִי מֵאַחַר דְּקַיְימָא לָן כְּוָותֵיהּ דְּרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל דְּלָא חָיֵישׁ לִשְׁתוּמָא, וְהָלְכְתָא כְּוָותֵיהּ דְּרַבִּי אֱלִיעֶזֶר דְּלָא חָיֵישׁ לְזִיּוּפָא, הָאִידָנָא מַאי טַעְמָא לָא מוֹתְבִינַן חַמְרָא בִּידֵי גּוֹיִם? מִשּׁוּם שַׁיְיכָא.

The Gemara asks: **And since we maintain** that the *halakha* is **in accordance with** the opinion **of Rabban Shimon ben Gamliel, who is not concerned about a bored hole** in the barrel, **and** even though there is a concern that the gentile may have opened and replaced the stopper **the *halakha*** is **in accordance with** the opinion of **Rabbi Eliezer, who is not concerned with forgery**[N] of the seal, because excessive effort is required to forge a seal (see 31a), therefore, **nowadays, what is the reason we do not place wine** in sealed barrels **in the possession of gentiles?** The Gemara answers: It is **because of the bunghole,** the hole in a barrel through which one smells the wine, which the gentile might widen a bit to drink from it.

אָמַר רָבָא: זוֹנָה גּוֹיָה, וְיִשְׂרָאֵל מְסוּבִּין אֶצְלָהּ – חַמְרָא שָׁרֵי, נְהִי דְּתַקִּיף לְהוּ יִצְרָא דַּעֲבֵירָה,

§ **Rava says:** In the case of **a gentile prostitute,**[H] where **Jews** are **dining at her** table, **the wine** at the table is **permitted.**[N] **Granted, their passion for the sin** of harlotry **overwhelms their** judgment,

NOTES

Who is not concerned with forgery – דְּלָא חָיֵישׁ לְזִיּוּפָא: According to Rabbi Eliezer (31a), wine that was in the courtyard of a gentile when the barrel had a single seal is permitted, because it is presumed that the gentile will not take the trouble to forge a seal in order to take from the wine or to pour a libation from it. The *halakha* is in accordance with his opinion.

The wine is permitted – חַמְרָא שָׁרֵי: The Jews' wine remains permitted for drinking, since they do not permit the gentile prostitute to touch it (Ritva).

HALAKHA

A gentile prostitute, etc. – זוֹנָה גּוֹיָה וכו': In the case of a gentile prostitute who was at a meal of Jews, the wine is permitted, because they do not permit her to pour a libation from it, in accordance with the statement of Rava. The *Taz* rules that in contemporary times, in which the prohibition against nondescript wine of gentiles is neglected, and even one who is not suspected of harlotry is suspected of ignoring the prohibition concerning nondescript wine of gentiles, whoever is suspect with regard to harlotry is certainly suspect with regard to the prohibition concerning nondescript wine of gentiles and is assumed to not take care that the gentile prostitute not tamper with the wine (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 12:26; *Shulḥan Arukh, Yoreh De'a* 129:14).

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יִצְרָא דְּיֵין נָסֵךְ לָא תַּקִּיף לְהוּ. זוֹנָה יִשְׂרְאֵלִית וְגוֹיִם מְסוּבִּין – חַמְרָא אָסוּר, מַאי טַעְמָא? הוֹאִיל וְזִילָה עֲלַיְיהוּ, בַּתְרַיְיהוּ גְּרִירָא.

but **the passion for wine** used for **a libation does not overwhelm their** judgment, and they will not allow her to use it for a libation. In the case of **a Jewish prostitute and gentiles dining** with her, **the wine** is **forbidden. What is the reason?** It is that **since she is contemptible in their** eyes, **she is subjugated to them,** and they use the wine for a libation without consideration for her.

הַהוּא בֵּיתָא דַּהֲוָה יָתֵיב בֵּיהּ חַמְרָא דְּיִשְׂרָאֵל, עַל גּוֹי, אַחֲדָהּ לְדַשָּׁא בְּאַפֵּיהּ, וַהֲוָה בְּיוֹעָא בְּדַשָּׁא, אִישְׁתַּכַּח גּוֹי דָּקָאֵי בֵּינֵי דַּנֵּי. אֲמַר רָבָא: כָּל דִּלְהַדֵּי בְּיוֹעָא – שָׁרֵי, דְּהַאי גִּיפָּא וְהַאי גִּיפָּא – אָסוּר.

§ The Gemara relates: There was an incident involving **a certain house where Jews' wine was stored.**[N] **A gentile entered** the house, and **he locked the door before** the Jew, **but there was a crack in the door,** and **the gentile was found standing between the barrels. Rava said: All** the barrels **that were opposite the crack**[H] through which the gentile could be seen are **permitted,**[N] because he would have been wary about being seen tampering with them. Barrels **on this side and that side** of the crack, where the gentile could not be seen, are **forbidden,**[N] as perhaps the gentile used them for a libation.

הַהוּא חַמְרָא דְּיִשְׂרָאֵל דַּהֲוָה יָתֵיב בְּבֵיתָא דַּהֲוָה דַּיֵּיר יִשְׂרָאֵל בְּעֶלְיוֹנָה וְגוֹי בְּתַחְתּוֹנָה, שְׁמַעוּ קַל תִּיגְרָא, נָפְקִי, קַדִּים אֵתָא גּוֹי אַחֲדָהּ לְדַשָּׁא בְּאַפֵּיהּ. אֲמַר רָבָא: חַמְרָא שָׁרֵי, מֵימַר אֲמַר: כִּי הֵיכִי דְּקַדִּים אֲתַאי אֲנָא, קַדִּים וַאֲתָא יִשְׂרָאֵל וְיָתֵיב בְּעֶלְיוֹנָה וְקָא חָזֵי לִי.

The Gemara relates: There was an incident involving **a certain Jew's wine that was stored in** the lower story of **a house,** in **which the Jew was living in the upper** story[H] **and a gentile in the lower** story, and the wine could be supervised from the upper story. One day the residents **heard a sound of quarreling** and **went outside. The gentile came** back in **first** and **locked the door before** the Jew. **Rava said: The wine** is **permitted,** because the gentile presumably **said** to himself: **Just as I came** back in **early,** perhaps my neighbor the **Jew came** back in **early and is sitting in the upper** story **and watching me,** and therefore he would not use the wine for a libation.

הַהוּא אוּשְׁפִּיזָא דַּהֲוָה יָתֵיב בֵּיהּ חַמְרָא דְּיִשְׂרָאֵל, אִישְׁתַּכַּח גּוֹי דַּהֲוָה יָתֵיב בֵּי דַּנֵּי. אֲמַר רָבָא: אִם נִתְפַּס עָלָיו כְּגַנָּב – שָׁרֵי, וְאִי לָא – אָסִיר.

The Gemara relates: There was an incident involving **a certain inn** [*ushpiza*][HL] **where a Jew's wine was stored,** and **a gentile was found sitting among the barrels. Rava said: If he was caught as a thief,** i.e., if the gentile seemed startled and did not have a good explanation for being there, the wine is **permitted,** as the gentile was presumably afraid about being caught and would not have used it for a libation. **But if not,** the wine is **forbidden.**

הַהוּא בֵּיתָא דַּהֲוָה יָתֵיב בֵּיהּ חַמְרָא, אִישְׁתַּכַּח גּוֹי דַּהֲוָה קָאֵים בֵּי דַּנֵּי. אֲמַר רָבָא: אִי אִית לֵיהּ לְאֵישְׁתַּמּוּטֵי – חַמְרָא אָסִיר, וְאִי לָא – חַמְרָא שָׁרֵי. מֵיתִיבִי: נִנְעַל הַפּוּנְדָּק, אוֹ שֶׁאָמַר לוֹ: "שְׁמוֹר" – אָסוּר; מַאי לָאו אַף עַל גַּב דְּלֵית לֵיהּ לְאֵישְׁתַּמּוּטֵי? לָא, בְּדְאִית לֵיהּ לְאֵישְׁתַּמּוּטֵי.

The Gemara relates: There was an incident involving **a certain house where wine was stored. A gentile was found standing among the barrels. Rava said: If he has** a way **to excuse**[H] his entrance to where the wine was stored, **the wine** is **forbidden, but if not, the wine** is **permitted.** The Gemara **raises an objection** to this ruling from a *baraita*: If **an inn was locked** and a gentile was inside, **or** if the Jew **said to** the gentile: **Safeguard** my wine, the wine is **forbidden. What, is it not** forbidden **even if** the gentile **does not have** a way **to excuse** his entrance? The Gemara answers: **No,** the *baraita* is referring to a situation **where he does have** a way **to excuse** his entrance; otherwise the wine is permitted.

NOTES

Where Jews' wine was stored – יָתֵיב בֵּיהּ חַמְרָא דְּיִשְׂרָאֵל: Rashi explains that the gentile was a partner in the wine. This is supported by an alternative version of the text of the Gemara, which reads: Wine of a Jew and a gentile. The Ritva suggests two explanations. One is that they were partners in the wine. The other is that each had his own barrels in the house, so the gentile was not concerned about being viewed as a thief for entering the house or locking the door. The only concern he would have is being caught tampering with the wine. Therefore, the wine would have remained permitted had the door not been locked, but locking the door nullifies the presumption of supervision. Since the gentile would not be seen tampering with the wine, he is not concerned about being caught, so the wine is rendered forbidden.

Are permitted, etc. – שָׁרֵי וכו': Rashi says that in the context of this discussion, permitted means that one may even drink the wine, as there is not even concern for the gentile having touched the wine. Forbidden means that it is prohibited to derive benefit from the wine, as there is concern that the gentile may have poured a libation from it. The Ra'avad disagrees and explains that it is prohibited only to drink the wine. According to his opinion, it becomes prohibited to derive benefit from wine only if the wine was left unsupervised with a gentile without any seal on the barrel at all.

Forbidden – אָסוּר: The wine is forbidden if there was sufficient time for the gentile to touch the wine, in the case of open barrels, or if there was sufficient time to open the stopper, replace it, and have the new one dry in the case of sealed barrels, unless there was a double seal (Ra'avad). The *Sefer Hashlama* rules that the locking of the door cancels the presumption of supervision only if the barrels were open, but not if they were sealed. Since returning the barrels to their previous state takes a relatively long time, and the gentile is wary of doing so, there is no concern even if a long time elapsed.

HALAKHA

All the barrels that were opposite the crack – כָּל דִּלְהַדֵּי בְּיוֹעָא: In the case of a house in which wine belonging to a Jew and a gentile was stored, if the gentile entered and locked the door so that the Jew could not enter at will, the wine is rendered forbidden. If there were holes or cracks in the door such that the Jew could see into the room, any barrels that can be seen through the cracks are permitted, even for drinking, and even if the barrels were open. Any barrels that cannot be seen through the cracks are forbidden, even with regard to deriving benefit from them. This applies even if the barrels were sealed if the gentile was there long enough to open the barrel, replace the stopper, and have the new stopper dry, and even if the Jew lived in the same house. The *Taz* cites the Rema that if this took place at night, then even if there were holes or cracks in the door the wine is forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:21; *Shulḥan Arukh*, *Yoreh De'a* 128:3).

In which the Jew was living in the upper story, etc. – דַּהֲוָה דַּיֵּיר יִשְׂרָאֵל בְּעֶלְיוֹנָה וכו': In a case where a Jew stores his wine in a house, and a gentile lives in the lower story of the house and the Jew in the upper story, and there is an aperture through which the Jew can see from the upper story to the lower story, and the wine can be seen through it, the wine is permitted. If the gentile and the Jew both left the house suddenly, e.g., to watch a wedding or funeral procession, and the gentile returned and closed the door and subsequently the Jew came, then even if the Jew has no entry other than through the lower story and cannot pass through without being seen, the open wine in the house remains permitted, because the gentile closed the door on the assumption that the Jew had already returned to the house before him. The Rema rules that this is the *halakha* specifically if they left the house suddenly and then returned, since one can say that due to the rush the gentile did not notice whether the Jew returned, but if there was no rush, the wine is forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:20; *Shulḥan Arukh*, *Yoreh De'a* 129:9).

A certain inn – הַהוּא אוּשְׁפִּיזָא: In a case where a wine cellar at an inn holds open barrels belonging to a Jew and barrels belonging to a gentile, and the gentile is discovered standing among the Jew's open barrels, if he is startled upon discovery and could be accused of being a thief for being so discovered, it is permitted even to drink the wine, because the gentile's fear would not allow him to pour a libation. If he was not startled, the wine is forbidden, in accordance with the opinion of Rava (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:23; see *Shulḥan Arukh*, *Yoreh De'a* 128:5).

If he has a way to excuse – אִי אִית לֵיהּ לְאֵישְׁתַּמּוּטֵי: In a case where a gentile was discovered in a house where only Jews' wine was stored, if the door was not locked, it is permitted for one even to drink the wine, even if the gentile could not be accused of being a thief (*Shakh*). If the door was locked from the inside, then if he could not be accused of being a thief, it is prohibited to derive benefit from the wine, but if he could be accused of being a thief, it is permitted even to drink the wine, in accordance with the incident related in the Gemara and Rava's statement (*Shulḥan Arukh*, *Yoreh De'a* 128:4, and see 129:5 in the comment of Rema).

LANGUAGE

Inn [*ushpiza*] – אוּשְׁפִּיזָא: From the Persian aspinj, meaning inn.

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הַהוּא יִשְׂרָאֵל וְגוֹי דַּהֲווּ יָתְבִי וְקָא שָׁתוּ חַמְרָא, שְׁמַע יִשְׂרָאֵל קַל צַלּוּיֵי בֵּי כְּנִישְׁתָּא, קָם וַאֲזַל. אֲמַר רָבָא: חַמְרָא שָׁרֵי, מֵימַר אֲמַר: הָשְׁתָּא מִדְּכַר לֵיהּ לְחַמְרֵיהּ וַהֲדַר אָתֵי.

The Gemara relates: There was an incident involving **a certain Jew and** a certain **gentile who were sitting and drinking wine.** The **Jew heard the sound of praying**[H] **at the synagogue. He got up and went** to pray. **Rava said: The wine** is **permitted,** because the gentile presumably **said** to himself: Any moment **now he will remember his wine and come back.**

הַהוּא יִשְׂרָאֵל וְגוֹי דַּהֲווּ יָתְבִי בְּאַרְבָּא, שְׁמַע יִשְׂרָאֵל קַל שִׁיפּוּרֵי דְּבֵי שִׁימְשֵׁי, נְפַק וַאֲזַל. אֲמַר רָבָא: חַמְרָא שָׁרֵי, מֵימַר אֲמַר: הָשְׁתָּא מִדְּכַר לֵיהּ לְחַמְרֵיהּ וַהֲדַר אָתֵי;

The Gemara relates: There was an incident involving **a certain Jew and** a certain **gentile who were sitting on a ship.** The **Jew heard the sound of the shofar**[H] **of twilight** indicating the beginning of Shabbat. **He disembarked and went** into town to spend Shabbat there. **Rava said: The wine** is **permitted,** because the gentile presumably **said** to himself: Any moment **now he will remember his wine and come back.**

וְאִי מִשּׁוּם שַׁבְּתָא – הָאֲמַר רָבָא, אֲמַר לִי אִיסּוּר גִּיּוֹרָא: כִּי הֲוִינַן בַּאֲרַמְיוּתַן אָמְרִינַן: יְהוּדָאֵי לָא מְנַטְּרִי שַׁבְּתָא, דְּאִי מְנַטְּרִי שַׁבְּתָא – כַּמָּה כִּיסֵּי קָא מְשַׁתְּכְחִי בְּשׁוּקָא. וְלָא יָדַעְנָא דְּסִבְיָרָא לָן כְּרַבִּי יִצְחָק, דְּאָמַר רַבִּי יִצְחָק: הַמּוֹצֵא כִּיס בְּשַׁבָּת – מוֹלִיכוֹ פָּחוֹת פָּחוֹת מֵאַרְבַּע אַמּוֹת.

The Gemara comments: **And if** one might object that the gentile is presumably not concerned **because** he knows that the Jew will not return until the end of **Shabbat, didn't Rava say: Issur the Convert**[P] **told me: When we were** still **gentiles,** before converting, **we** used to **say: Jews do not** actually **observe Shabbat, as, if they observe Shabbat, how many wallets would be found in the marketplace** that the Jews could not take on Shabbat? **And I did not know that we maintain** that the *halakha* is **in accordance with** the opinion of **Rabbi Yitzḥak, as Rabbi Yitzḥak says: One who finds a wallet on Shabbat**[H] **may carry it** in increments of **less than four cubits.**[N] Evidently, gentiles assume that a Jew would violate Shabbat for monetary gain.

הַהוּא אַרְיָא דַּהֲוָה נָהֵים בְּמַעֲצַרְתָּא, שְׁמַע גּוֹי טְשָׁא בֵּינֵי דַּנֵּי. אֲמַר רָבָא: חַמְרָא שָׁרֵי, מֵימַר אֲמַר: כִּי הֵיכִי דְּטָשֵׁינָא אֲנָא, אִיטְשָׁא נַמִי יִשְׂרָאֵל אַחוֹרַיי וְקָא חָזֵי לִי.

The Gemara relates: There was an incident involving **a certain lion who roared**[H] **in a winepress. A gentile heard** the roar and was frightened, and **he hid among the barrels** of wine. **Rava said: The wine** is **permitted,** because the gentile presumably **said** to himself: **Just as I am hiding, a Jew** might **also** be **hiding behind me and see me.**

הָנְהוּ גַּנָּבֵי דְּסָלְקִי לְפוּמְבְּדִיתָא וּפְתַחוּ חָבִיתָא טוּבָא. אֲמַר רָבָא: חַמְרָא שָׁרֵי, מַאי טַעְמָא? רוּבָּא גַּנָּבֵי יִשְׂרָאֵל נִינְהוּ. הֲוָה עוּבְדָא בִּנְהַרְדְּעֵי, וַאֲמַר שְׁמוּאֵל: חַמְרָא שָׁרֵי.

The Gemara relates: There was an incident involving **certain thieves who came to Pumbedita**[B] **and opened many barrels** of wine. **Rava said: The wine** is **permitted. What is the reason? Most of the thieves** in Pumbedita **are Jews,**[H] and the *halakha* follows the majority, and therefore the wine is not rendered forbidden. **There was** a similar **incident in Neharde'a, and Shmuel said: The wine** is **permitted.**

PERSONALITIES

Issur the Convert – אִיסּוּר גִּיּוֹרָא: As indicated by his name, Issur was a convert. Two of the daughters of the great *amora* Shmuel were abducted from Babylonia and taken to Eretz Yisrael, where one of them was taken by Issur, who was at the time a gentile Roman soldier. Issur later converted and became a confidant of the prominent Jewish leaders of the generation in Babylonia. One of his children became a Torah scholar known as Rav Mari, son of Shmuel's daughter, with his mother referenced in his name because he was conceived prior to Issur's conversion.

NOTES

In increments of less than four cubits – פָּחוֹת פָּחוֹת מֵאַרְבַּע אַמּוֹת: The primary concern here is with regard to carrying within the public domain. One who removes an item from its place, carries it four cubits within the public domain, and sets it down transgresses the prohibition against carrying on Shabbat. If he carries the item in increments of less than four cubits, he does not transgress the prohibition by Torah law. Although even this is generally prohibited by rabbinic law, in certain situations it was permitted so people would not be tempted to transgress a Torah law.

BACKGROUND

Pumbedita – פּוּמְבְּדִיתָא: A city on the Euphrates River, northwest of Neharde'a, Pumbedita was an important center of the Babylonian Jewish community for many generations. As early as the Second Temple period Pumbedita was called the Diaspora, as it was considered the center of Babylonian Jewry. After the destruction of Neharde'a, some scholars from its yeshiva relocated to Pumbedita, and from then on Torah study continued there without interruption until the end of the geonic period.

The Sages of Pumbedita were particularly famous for their acumen. The most famous heads of the Pumbedita yeshiva were its founder, Rav Yehuda; Rabba; Rav Yosef; Abaye; Rav Naḥman bar Yitzhak; Rav Zevid; and Rafram bar Pappa. The Pumbedita yeshiva was very prominent in the geonic period as well, often overshadowing the yeshiva in Sura. The last heads of the Pumbedita yeshiva were the renowned *ge'onim* Rav Sherira Gaon and his son, Rav Hai Gaon.

HALAKHA

The Jew heard the sound of praying – שְׁמַע יִשְׂרָאֵל קַל צַלּוּיֵי: If a Jew and a gentile were sitting and drinking, each of his own wine, and the Jew heard the call to prayer from the synagogue and went there to pray, the wine is permitted if there is a roundabout way through which the Jew could come upon the gentile unexpectedly, in accordance with the statement of Rava (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:19; *Shulḥan Arukh*, *Yoreh De'a* 129:7).

The Jew heard the sound of the shofar – שְׁמַע יִשְׂרָאֵל קַל שִׁיפּוּרֵי: In a case where a Jew and a gentile were on a docked ship and there was wine on the ship, and the Jew heard the sound of the shofar signaling the start of the Shabbat, and he went into the town and left the wine with the gentile, if there is a roundabout way through which the Jew could return, the wine is permitted. This leniency applies if there was only one gentile left with the wine, but not if there were more than one. This is the *halakha* even if there were more than two thousand cubits, the maximum distance one may traverse on Shabbat, between the Jew and the wine, because the gentile thinks the Jew will come for the wine anyway, in accordance with the opinion of Rava (*Shulḥan Arukh*, *Yoreh De'a* 129:6).

One who finds a wallet on Shabbat – הַמּוֹצֵא כִּיס בְּשַׁבָּת: If one was on a journey and Shabbat began while he was on the road, and he did not have anyone with whom he could entrust his purse, he may carry it in increments of less than four cubits. This applies to money or to an item that is already in his possession. If one finds money or an item on Shabbat, the Rambam deems it permitted for one to transport it in this manner, while other halakhic authorities deem it prohibited. This is in accordance with the statement of Rabbi Yitzḥak (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 20:7; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 266:7).

A certain lion who roared, etc. – הַהוּא אַרְיָא דַּהֲוָה נָהֵים וכו': If a gentile heard a lion roar and hid in fear among barrels of wine, closing the door behind him, the wine is permitted even if the barrels were open, because he is concerned that a Jew may also have hidden there, in accordance with the opinion of Rava (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:22; *Shulḥan Arukh*, *Yoreh De'a* 129:10).

Most of the thieves are Jews – רוּבָּא גַּנָּבֵי יִשְׂרָאֵל: In a case where a barrel was opened by thieves, if most of the thieves in the town were Jews, it is permitted even to drink the wine, but if not, it is forbidden, in accordance with the statement of Rava. If there is a particular neighborhood for the Jews uninterrupted by a gentile thoroughfare, the ruling follows the majority of that neighborhood (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:29, and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 129:11).

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כְּמַאן? כְּרַבִּי אֱלִיעֶזֶר, דְּאָמַר: סְפֵק בִּיאָה – טָהוֹר,

The Gemara asks: **In accordance with whose** opinion is this? Perhaps it is **in accordance with** the opinion of **Rabbi Eliezer, who says** with regard to cases of uncertainty concerning ritual purity that if the **uncertainty** is with regard to a person's **entry** into a certain place, he is deemed **pure.**

דְּתְנַן: הַנִּכְנָס לִבְקָעָה בִּימוֹת הַגְּשָׁמִים וְטוּמְאָה בִּשְׂדֵה פְּלוֹנִית, וְאָמַר: הָלַכְתִּי בַּמָּקוֹם הַלָּז וְאֵינִי יוֹדֵעַ אִם נִכְנַסְתִּי לְאוֹתָהּ שָׂדֶה אִם לֹא נִכְנַסְתִּי, רַבִּי אֱלִיעֶזֶר אוֹמֵר: סְפֵק בִּיאָה – טָהוֹר, סְפֵק מַגָּע – טָמֵא!

This is **as we learned** in a mishna (*Teharot* 6:5): With regard to **one who enters into a valley during the rainy season,**[HN] i.e., winter, when people generally do not enter this area, **and** there was **ritual impurity in such and such a field, and** he **said:** I know **I walked to that place,** i.e., I walked in the valley, **but I do not know whether I entered that field** where the ritual impurity was **or whether I did not** enter, **Rabbi Eliezer says:** In a case of **uncertainty** with regard to **entry,** i.e., it is uncertain whether he entered the area where the ritual impurity is located, he is **ritually pure.** But if he certainly entered the area where the ritual impurity is located and the **uncertainty** pertains to **contact** with the source of ritual impurity, he is **ritually impure.** Apparently, the ruling of Shmuel, that in a case where it is uncertain whether gentile thieves entered the house at all the wine is permitted, is in accordance with the opinion of Rabbi Eliezer.

לָא, שָׁאנֵי הָתָם, כֵּיוָן דְּאִיכָּא דְּפָתְחִי לִשּׁוּם מָמוֹנָא, הֲוָה לֵיהּ סְפֵק סְפֵיקָא.

The Gemara rejects this: **No,** it **is different there,** with regard to the wine barrels. **Since there are** thieves **who open** barrels **for the sake of** perhaps finding **money**[H] in them and are not interested in the wine, **it is** a case of **compound uncertainty,**[N] as it is uncertain whether the thieves were gentiles or Jews, and even if they were gentiles, it is uncertain whether or not they touched the wine. In a case of compound uncertainty, everyone agrees that the wine is not forbidden.

HALAKHA

One who enters into a valley during the rainy season – הַנִּכְנָס לִבְקָעָה בִּימוֹת הַגְּשָׁמִים: If during the rainy season one enters a valley containing several fields, one of which is ritually impure, and he is unsure whether he entered the impure field, he is deemed impure due to the uncertainty. This is consistent with the principle concerning uncertain impurity in the private domain and is in accordance with the opinion of the Rabbis (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 20:9).

There are thieves who open barrels for the sake of finding money – דְּאִיכָּא דְּפָתְחִי לִשּׁוּם מָמוֹנָא: In a place where it is customary to hide money in barrels, and thieves were discovered among wine barrels, even if most of the thieves in the town were gentiles the wine is permitted. This is because the assumption is that the thieves were interested only in finding money and did not tamper with the wine, in accordance with the statement of Shmuel (*Shulḥan Arukh*, *Yoreh De'a* 129:11).

NOTES

A valley in the rainy season – בִּקְעָה בִּימוֹת הַגְּשָׁמִים: Where there is uncertainty with regard to ritual purity in the public domain, the *halakha* is that the person or item is ruled pure. If the uncertainty occurs in the private domain, the person or item is ruled impure. A valley where there are fields where people do not generally go in the rainy season is defined as a private domain for the purposes of these *halakhot*.

It is a case of compound uncertainty – הֲוָה לֵיהּ סְפֵק סְפֵיקָא: There are several explanations of the dispute between Rabbi Eliezer and the Rabbis. The Ritva in *Bava Batra* (55b), citing the Rashbam, asserts that all agree that in matters of uncertainty concerning ritual impurity a distinction must be made between a case of one uncertainty, where the person or item in question is deemed impure by a Torah edict, and a case of compound uncertainty, where the person or item is deemed pure. The dispute is as follows: According to the opinion of Rabbi Eliezer, since there are multiple fields, the uncertainty is viewed as a compound uncertainty: There is uncertainty as to whether he entered a field that contains impurity, and even if he did enter that field there is uncertainty as to whether he was in contact with or stood above the source of ritual impurity.

According to the opinion of the Rabbis, the valley is not regarded as consisting of multiple areas, and consequently there is only one uncertainty, i.e., whether he came into contact with or stood above the source of ritual impurity. Many commentaries question this understanding (see *Tosafot* and Ramban on *Bava Batra*), based on another mishna in tractate *Teharot* from which it can be proven that in cases of uncertainty concerning ritual purity there is no distinction between one uncertainty and compound uncertainties.

Rashi explains that Rabbi Eliezer and the Rabbis disagree even if the entire field is impure and there is only one uncertainty. According to the opinion of Rabbi Eliezer, a distinction must be made between a case of uncertainty with regard to contact with a source of impurity, where he is deemed impure due to the derivation from the *halakhot* of a *sota*, and a case of uncertainty with regard to entry, where, because it is not similar to the case of the *sota*, he is deemed pure.

Rabbeinu Tam, cited in *Tosafot*, explains that all agree that in the case in the Gemara there is a compound uncertainty. The dispute is how to rule in a case of compound uncertainty with regard to the *halakhot* of ritual impurity. The Rabbis, who deem him impure, hold that one who is pure should remain pure even when there is only one uncertainty, but that a Torah edict derived from the *halakhot* of the *sota* renders him impure. Therefore, no distinction should be made between one uncertainty and a compound uncertainty. Rabbi Eliezer, who deems him pure, holds that the *halakha* that one with a presumption of purity is deemed impure based upon uncertainty is a novelty. Therefore, it applies only to the precise conditions present in the case from which it is derived, where there is only one uncertainty, and not in a case of a compound uncertainty.

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NOTES

Froth in her hand – אוּפְיָא בִּידָהּ: This is froth that is found on the surface of the wine. The Ra'ah explains that she was holding a pitcher filled with this froth.

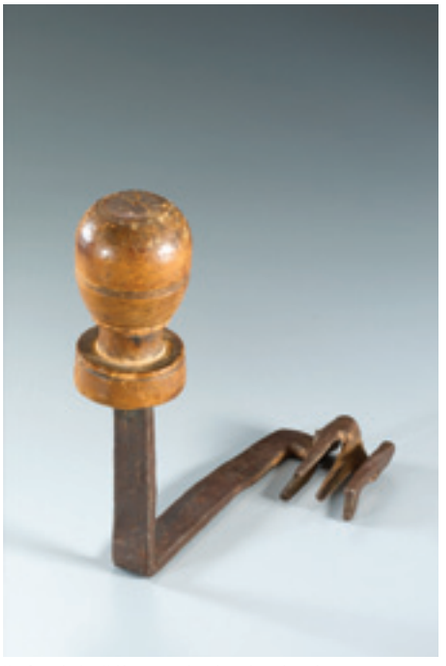
It is reasonable to say [*eimar*] – אֵימַר: The term *eimar* is usually used in situations where the inclination is to rule stringently, but there are instances, such as here, where it is used to introduce a possible leniency.

She transferred to her the responsibility for safeguarding the key alone – אֶלָּא שְׁמִירַת מַפְתֵּחַ בִּלְבַד: If one told a gentile to safeguard the entire house, this is tantamount to notifying him that he is traveling far away, and in accordance with the *baraita* on the previous *amud*, the wine is forbidden (see Ra'avad).

LANGUAGE

Army [*pulmusa*] – פּוּלְמוּסָא: From the Greek πόλεμος, *polemos*, meaning war or fight.

Key [*iklida*] – אִיקְלִידָא: From the Greek κλείς, *kleis*, meaning key, or κλειδίον, *kleidion*, meaning a small key.



Key from the bar Kokheva period, with teeth on the right

הַהִיא רְבִיתָא דְּאִישְׁתַּכַּח דַּהֲוַת בֵּי דַּנֵּי וַהֲוַת נְקִיטָא אוּפְיָא בִּידָהּ. אֲמַר רָבָא: חַמְרָא שָׁרֵי, אֵימַר מִגַּבָּהּ דְּחָבִיתָא שְׁקַלְתֵּיהּ; וְאַף עַל גַּב דְּלֵיכָּא תּוּ, אֵימַר אִתְרְמוּיֵי אִתְרְמֵי לָהּ.

The Gemara relates: There was an incident involving **a certain** gentile **girl who was found**[H] **among** wine **barrels and she was holding** wine **froth in her hand.**[N] **Rava said: The wine** is **permitted,** as it is reasonable to **say**[N] that **she took it from the outside of the barrel** and not from inside the barrel. **And even if there is no more** of the froth on the outside of the barrel, it is reasonable to **say** that **she happened upon** the froth[H] while it was still there, even though it is no longer there.

הַהוּא פּוּלְמוּסָא דְּסָלִיק לְנַהַרְדְּעָא, פְּתַחוּ חָבִיתָא טוּבָא. כִּי אֲתָא רַב דִּימִי אֲמַר: עוּבְדָּא הֲוָה קַמֵּיהּ דְּרַבִּי אֶלְעָזָר, וּשְׁרָא. וְלָא יָדַעְנָא, אִי מִשּׁוּם דְּסָבַר לָהּ כְּרַבִּי אֱלִיעֶזֶר דְּאָמַר: סְפֵק בִּיאָה – טָהוֹר, אִי מִשּׁוּם דְּסָבַר: רוּבָּא דְּאָזְלִי בַּהֲדֵי פּוּלְמוּסָא – יִשְׂרָאֵל נִינְהוּ.

The Gemara relates: There was an incident involving **a certain army** [***pulmusa***][L] **that entered Neharde'a** and **opened many barrels** of wine. **When Rav Dimi came** from Eretz Yisrael to Babylonia, **he said: There was** a similar **incident** that was brought **before Rabbi Elazar, and he deemed** the wine **permitted. But I do not know whether** he permitted it **because he holds in accordance with** the opinion of **Rabbi Eliezer, who says:** Concerning **uncertainty** with regard to **entry,** the person or item is **ritually pure,** or **whether** he permitted it **because he maintains** that **most** of those **who went with** that **army were Jews,** i.e., that although it was a gentile army, the ancillaries were mostly Jews.

אִי הָכִי, הַאי סְפֵק בִּיאָה, סְפֵק מַגָּע הוּא! בֵּיוָן דְּמַפְתְּחִי טוּבָא, אֵימָא אַדַּעְתָּא דְּמָמוֹנָא פְּתַחוּ, וְכִסְפֵק בִּיאָה דָּמֵי.

The Gemara asks: **If that is so,** if he holds in accordance with the opinion of Rabbi Eliezer, why did he permit the wine? **Is this** a case of **uncertainty** with regard to **entry?** It is clear that the ancillaries came and opened the barrels, so **it is** a case of **uncertainty** with regard to **contact,** i.e., whether they touched the wine or not, and Rabbi Eliezer agrees that such a case is treated stringently. The Gemara answers: **Since they opened many** barrels, it is reasonable to **say** that **they opened** the barrels only **with the intention of** finding **money** and had no interest in the wine itself. **And** therefore it is **similar to** a case of **uncertainty** with regard to **entry.**

הַהִיא מָסוֹבִיתָא דְּמָסְרָה לָהּ אִיקְלִידָא מַפְתְּחָהּ לְגוֹיָה. אֲמַר רַבִּי יִצְחָק אֲמַר רַבִּי אֶלְעָזָר: עוּבְדָּא הֲוָה בֵּי מִדְרָשָׁא, וְאָמְרוּ: לֹא מָסְרָה לָהּ אֶלָּא שְׁמִירַת מַפְתֵּחַ בִּלְבַד.

The Gemara relates: There was an incident involving **a certain female owner of a wine shop who transferred the key** [***iklida***][L] to the door of her wine shop **to a gentile woman. Rabbi Yitzḥak said** that **Rabbi Elazar said: There was** a similar **incident** that was brought before the Sages in **the study hall, and they said: She transferred to her** the responsibility for **safeguarding the key alone**[NH] but did not authorize her to enter the tavern, so there is no concern that she entered there.

HALAKHA

A certain gentile girl who was found, etc. – הַהִיא רְבִיתָא דְּאִישְׁתַּכַּח וכו': The Rambam rules that in a case where a gentile child is discovered among wine barrels, the wine is permitted regardless of whether he could be accused of being a thief. The *Shulḥan Arukh*, citing the Ra'avad, rules that the wine is permitted whether or not he was a minor, provided he could be accused of being a thief (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:23, and *Kesef Mishne* and *Leḥem Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 128:2).

Say that she happened upon the froth – אֵימַר אִתְרְמוּיֵי אִתְרְמֵי לָהּ: Even if a gentile was found holding froth that is usually found on the surface of the wine, the wine is permitted, because it is possible that the froth was taken from the sides of the barrels and not from inside the barrel itself (*Shulḥan Arukh*, *Yoreh De'a* 128:2, and see the comment of Rema).

She transferred to her responsibility for safeguarding the key alone – אֶלָּא שְׁמִירַת מַפְתֵּחַ בִּלְבַד: In the case of one who gives the key to his shop to a gentile to safeguard, the wine in the shop is permitted. This is the *halakha* even if there did not remain a single Jew in the town, and even if the owner notified the gentile that he was traveling far away, because he gave him charge only of safeguarding the key. This applies not only if the owner specifically told him to safeguard of the key until his return, but even if he gave it to him to safeguard without specification. The assumption is that the gentile will be wary of opening the shop without authorization. The *Tur*, citing the Ramban, rules that the wine is permitted only when the gentile does not know that the Jew is traveling far away, and then it is permitted even if the gentile was discovered entering the shop. But if the owner informed the gentile that he was traveling far away, the wine is forbidden. The Rema writes that one may rely upon the lenient first opinion, and in a case where the gentile nevertheless entered the shop, if he could be accused of being a thief, the wine is permitted, but if he can explain his entry, it is forbidden. If he can be seen from outside the store, in any event the wine is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:2; *Shulḥan Arukh*, *Yoreh De'a* 129:5).

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אֲמַר אַבַּיֵי, אַף אֲנַן נַמִּי תָּנֵינָא: הַמּוֹסֵר מַפְתְּחוֹת לְעַם הָאָרֶץ – טָהֳרוֹתָיו טְהוֹרוֹת, לְפִי שֶׁלֹּא מָסַר לוֹ אֶלָּא שְׁמִירַת מַפְתֵּחַ בִּלְבַד; הָשְׁתָּא טָהֳרוֹתָיו טְהוֹרוֹת, יֵין נָסְךְ מִיבָּעֵיָא?

Abaye said: We learn this *halakha* in a mishna **as well** (*Teharot* 7:1): In the case of **one who transferred keys to one who is unreliable with regard to ritual impurity** [***am ha'aretz***],[H] even though contact with an *am ha'aretz* renders pure items impure, **his pure items are pure, because he transferred to** the *am ha'aretz* the responsibility for **safeguarding the key alone** and did not authorize him to enter. **Now** that the mishna has determined that **his pure items are pure, is it necessary** to state that this principle with regard to the *halakhot* of **wine** used for **a libation?**

לְמֵימְרָא, דְּטָהֳרוֹת אַלִּימִי מִיֵּין נָסְךְ? אִין, דְּאִיתְמַר: חָצֵר שֶׁחִלְּקָהּ בִּמְסִיפָס – אָמַר רַב: טָהֳרוֹתָיו טְמֵאוֹת, וּבְגוֹי אֵינוֹ עוֹשֶׂה יֵין נָסְךְ; וְרַבִּי יוֹחָנָן אָמַר: אַף טָהֳרוֹתָיו טְהוֹרוֹת.

The Gemara asks with regard to Abaye's reasoning: **Is this to say that** the *halakhot* of **ritually pure items are** more **stringent than** those concerning **wine** used for **a libation?** The Gemara answers: **Indeed,** that is so. **As it was stated** that there was a dispute with regard to **a courtyard** whose owners **divided it** among themselves **with a low partition** [***meseifas***].[NLH] **Rav says:** If one's neighbor on the other side of the partition is an *am ha'aretz*, **one's pure items** that he leaves in the courtyard **are** rendered **impure, but in** the case of **a gentile** neighbor, this **does not render** his **wine** an idolatrous **libation. And Rabbi Yoḥanan says: His pure items** remain **pure as well.** Evidently, Rav considers the *halakhot* of purity more stringent than those of wine used for a libation.

מֵיתִיבִי: הַפְּנִימִית שֶׁל חָבֵר וְהַחִיצוֹנָה שֶׁל עַם הָאָרֶץ, אוֹתוֹ חָבֵר שׁוֹטֵחַ שָׁם פֵּירוֹת וּמַנִּיחַ שָׁם כֵּלִים, וְאַף עַל פִּי שֶׁיָּדוֹ שֶׁל עַם הָאָרֶץ מַגַּעַת לְשָׁם; קַשְׁיָא לְרַב!

The Gemara **raises an objection** to the opinion of Rav from a *baraita*: If **the inner** courtyard **belongs to a *ḥaver*,**[H] i.e., one devoted to the meticulous observance of mitzvot, especially the *halakhot* of ritual purity, *teruma*, and tithes, **and the outer** courtyard **to an *am ha'aretz*, that *ḥaver* may lay out** his **produce there,** in the inner courtyard, **and place** his **vessels there,** without concern that the *am ha'aretz* will touch them and render them impure. **And** this applies **even if the hand of the *am ha'aretz* can reach there.** This poses **a difficulty to** the opinion of **Rav,** who holds that even in a situation where there is a partition there is concern about contact with an *am ha'aretz*.

אָמַר לָךְ רַב: שָׁאנֵי הָתָם, שְׁנִתְפָּס עָלָיו כְּגַנָּב.

The Gemara answers that **Rav** could have **said to you:** It **is different there, as** were the *am ha'aretz* to tamper with the produce, **he could be caught** and accused **as a thief,** as he has no business being in the inner courtyard. Therefore, there is no concern that he will tamper with it.

NOTES

A courtyard whose owners divided it with a low partition – חָצֵר שֶׁחִלְּקָהּ בִּמְסִיפָס: This is a partition no higher than ten handbreadths. It serves to demarcate boundaries within a courtyard but is not considered a complete partition to the extent that a neighbor could be accused of being a thief if he crosses it (see *Bava Batra* 6b). For the purposes of wine used for a libation, then even the gentile knows that this part of the courtyard belongs to another and is wary of entering there, so if he is not seen there, there is no concern that he has tampered with the wine. But if it is known that he entered there, there is concern that he may have touched the wine, since he could not be accused of being a thief.

LANGUAGE

Low partition [*meseifas*] – מְסִיפָס: The early commentaries struggle to define this term, and there is no consensus with regard to its origins except that it is borrowed from a foreign language. Some claim that the word is derived from the Greek μεσοπόρος, *mesoporos*, meaning passing through, which fits the geonic understanding that it refers to a wall of windows. Others suggest that the word comes from the Latin sepes, meaning fence, or from the Greek ψῆφος, *psēphos*, meaning a small round stone or pebble. It might be related to the Greek word μέσος, *mesos*, meaning center or an object that stands in the middle.

HALAKHA

One who transferred keys to an *am ha'aretz* – הַמּוֹסֵר מַפְתְּחוֹת לְעַם הָאָרֶץ: If one gives the keys to his house to an *am ha'aretz* to safeguard, everything in the house retains its state of purity, because the owner charged the *am ha'aretz* only with safeguarding the key, in accordance with the mishna in tractate *Teharot* (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 12:3).

A courtyard whose owners divided it with a low partition – חָצֵר שֶׁחִלְּקָהּ בִּמְסִיפָס: In the case of a courtyard divided by a low partition between the portion of a *ḥaver* and the portion of an *am ha'aretz*, the pure items of the *ḥaver* remain ritually pure, even if they are within reach of the *am ha'aretz*, because they are in the domain of the *ḥaver*. If there was a gentile on one side and a Jew on the other side, even if the Jew's side is within reach of the gentile, he need not be concerned with regard to either impurity or wine used for a libation, in accordance with the statement of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:7; *Shulḥan Arukh*, *Yoreh De'a* 129:16).

If the inner courtyard belongs to a *ḥaver*, etc. – פְּנִימִית שֶׁל חָבֵר וכו': In a case where there are two courtyards, one within the other, and the inner courtyard belongs to a *ḥaver* and the outer courtyard to an *am ha'aretz*, the *ḥaver* may leave vessels and produce in his courtyard without concern, even if it is within reach of the *am ha'aretz*, because the *am ha'aretz* could be accused of being a thief if he enters, in accordance with the *baraita* (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 12:20).

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LANGUAGE

Military unit [*boleshet*] – בּוֹלֶשֶׁת: From the root *beit*, *lamed*, *shin*, meaning punctilious searching. This refers to a group of military or police who come to search for specific items, e.g., people to be arrested or stolen or smuggled merchandise, so they are authorized to enter any place in the town and act as they please even in times of peace.

תָּא שְׁמַע, רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: גַּגּוֹ שֶׁל חָבֵר לְמַעְלָה מִגַּגּוֹ שֶׁל עַם הָאָרֶץ, אוֹתוֹ חָבֵר שׁוֹטֵחַ שָׁם פֵּירוֹת וּמַנִּיחַ שָׁם כֵּלִים, וּבִלְבַד שֶׁלֹּא תְהֵא יָדוֹ שֶׁל עַם הָאָרֶץ מַגַּעַת לְשָׁם; קַשְׁיָא לְרַבִּי יוֹחָנָן!

The Gemara suggests: **Come** and **hear** support for Rav's opinion from a *baraita* (*Tosefta*, *Teharot* 9:11): **Rabban Shimon ben Gamliel says:** If **the roof of a *ḥaver* is above**[H] **the roof of** his neighbor who is **an *am ha'aretz*, that *ḥaver* may lay out produce there and place vessels there, provided that the hand of the *am ha'aretz* cannot reach there;** but if it is within his reach, the pure items of the *ḥaver* are rendered impure. This poses **a difficulty to** the opinion of **Rabbi Yoḥanan,** who deems permitted pure items in a courtyard divided by a low partition.

אָמַר לָךְ רַבִּי יוֹחָנָן: שָׁאנֵי הָתָם, דְּאִית לֵיהּ לְאִישְׁתַּמּוּטֵי, מֵימַר אָמַר: אִימְצוּרֵי קָא מַמְצְרָא.

The Gemara answers that **Rabbi Yoḥanan** could have **said to you:** It **is different there, as** were the *am ha'aretz* to be discovered reaching up to the upper roof, **he has** a way **to excuse** his behavior by **saying: I** merely **stretched myself;**[N] I was not intending to tamper with anything.

תָּא שְׁמַע: גַּגּוֹ שֶׁל חָבֵר בְּצַד גַּגּוֹ שֶׁל עַם הָאָרֶץ, אוֹתוֹ חָבֵר שׁוֹטֵחַ שָׁם פֵּירוֹת וּמַנִּיחַ שָׁם כֵּלִים, וְאַף עַל פִּי שֶׁיָּדוֹ שֶׁל עַם הָאָרֶץ מַגַּעַת לְשָׁם; קַשְׁיָא לְרַב! אָמַר לָךְ רַב: לָאו אֲנָא דְּאָמְרִי כְּרַבִּי שִׁמְעוֹן בֶּן גַּמְלִיאֵל.

Come and **hear** that which is taught in that same *baraita*: If **the roof of a *ḥaver* is beside the roof of an *am ha'aretz*,**[H] **that *ḥaver* may lay out produce there and place vessels there, even if hand of the *am ha'aretz* can reach there.** This poses **a difficulty to** the statement of **Rav.** The Gemara answers that **Rav** could have **said to you: Isn't there** the opinion of **Rabbi Shimon ben Gamliel, which stands in accordance with my** opinion with regard to roofs that are next to one another? What **I say** is **in accordance with** the opinion of **Rabbi Shimon ben Gamliel.**

מתני׳ בּוֹלֶשֶׁת שֶׁנִּכְנְסָה לָעִיר, בִּשְׁעַת שָׁלוֹם – חָבִיּוֹת פְּתוּחוֹת אֲסוּרוֹת, סְתוּמוֹת מוּתָּרוֹת; בִּשְׁעַת מִלְחָמָה – אֵלּוּ וְאֵלּוּ מוּתָּרוֹת, לְפִי שֶׁאֵין פְּנַאי לְנַסֵּךְ.

MISHNA

In the case of **a military unit** [***boleshet***][L] **that entered a city,**[H] if it entered **during peacetime,** then after the soldiers leave the **open barrels** of wine **are forbidden,**[N] but the **sealed** barrels **are permitted.**[N] If the unit entered **in wartime,** both **these** barrels **and those** barrels **are permitted, because** in wartime **there is no time to pour** wine for **libations,** and one can be certain that the soldiers did not do so.

HALAKHA

If the roof of a *ḥaver* is above, etc. – גַּגּוֹ שֶׁל חָבֵר לְמַעְלָה וכו׳: If the roof of a *ḥaver* is above the roof of an *am ha'aretz*, the *ḥaver* may lay out his vessels and his ritually pure produce there, and they retain their status even if the *am ha'aretz* can reach out his hand to touch them. This applies to a gentile as well, if the Jew's courtyard is above his, and he need not be concerned either with regard to impurity or with regard to wine used for a libation. This is in accordance with the opinion of the Rabbis, who disagree with Rabban Shimon ben Gamliel (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 12:19 and *Kesef Mishne* there).

If the roof of a *ḥaver* is beside the roof of an *am ha'aretz*, etc. – גַּגּוֹ שֶׁל חָבֵר בְּצַד גַּגּוֹ שֶׁל עַם הָאָרֶץ וכו׳: If the roof of a *ḥaver* is beside or lower than the roof of an *am ha'aretz*, any place where the *am ha'aretz* can reach out and touch is presumed to be impure, in accordance with the statement of the first *tanna* in the *Tosefta*. With regard to a gentile, the Rambam says that if there is a low partition between them, the Jew need not be concerned with regard to either wine used for a libation or impurity (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 12:19 and *Kesef Mishne* there, and *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:7; *Shulḥan Arukh*, *Yoreh De'a* 129:16).

A military unit that entered a city – בּוֹלֶשֶׁת שֶׁנִּכְנְסָה לָעִיר: In a case where a military unit came into a town and entered Jewish homes, if it was in peacetime, then barrels of wine are forbidden even if they had been covered, but barrels that had been sealed and remained so are permitted. In wartime, all of the barrels are permitted, in accordance with the ruling of the mishna. The Ran rules that this is specific to barrels that were open to begin with, but wine in barrels that had been sealed and were then discovered to be unstoppered is forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:24; *Shulḥan Arukh*, *Yoreh De'a* 129:12).

NOTES

I merely stretched myself – אִימְצוּרֵי קָא מַמְצְרָא: Some commentaries explain this to mean: I am measuring the boundaries of my domain. Others explain, according to a slight textual variant: I stretched myself for my enjoyment (Rashi). In any event, the *ḥaver* could not accuse the *am ha'aretz* of entering his property improperly, so there is concern that the *am ha'aretz* may have touched the pure items.

Open barrels are forbidden – חָבִיּוֹת פְּתוּחוֹת אֲסוּרוֹת: In peacetime the unit is not coming to pillage, a case which would be covered by the previously related incident involving an army, but they are authorized to eat and drink from the stores of the townspeople (Ra'avad).

Sealed barrels are permitted – סְתוּמוֹת מוּתָּרוֹת: There is no concern that the soldiers might have opened and resealed the barrels, because they have no need to be wary of the townspeople and so would not bother to reseal the barrels (Ra'avad). The early commentaries explain that even if the barrels had been sealed but not with a proper stopper the wine is permitted, because there is a clear presumption in this case that they did not open and reseal them (Ra'ah; Ritva).

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גמ׳ וּרְמִינְהִי: עִיר שֶׁכְּבָשׁוּהָ כַּרְקוֹם – כָּל כֹּהֲנוֹת שֶׁבְּתוֹכָהּ פְּסוּלוֹת! אֲמַר רַב מָרִי: לְנַסּוֹכֵי אֵין פְּנַאי, לְבִעוּל יֵשׁ פְּנַאי.

GEMARA **And** the Gemara **raises a contradiction** to the assumption that soldiers during wartime do not have time to commit transgressions from that which is taught in another mishna (*Ketubot* 27a): With regard to **a city that was conquered by** an army laying **siege,**[H] **all the women** married to **priests** located **in** the city **are unfit**[N] and forbidden to their husbands, due to the concern that they were raped. **Rav Mari** resolved the contradiction and **said: They do not have time to pour** wine for **libations,** as their passion for idolatry is not pressing at that time, but **they have time to engage in intercourse,** because their lust is great even during wartime.

מתני׳ הָאוּמָנִין שֶׁל יִשְׂרָאֵל שֶׁשָּׁלַח לָהֶם נָכְרִי חָבִית שֶׁל יַיִן נֶסֶךְ בִּשְׂכָרָן – מוּתָּר לוֹמַר: ״תֵּן לָנוּ אֶת דָּמֶיהָ״, מִשֶּׁנִּכְנְסָה לִרְשׁוּתָן – אָסוּר.

MISHNA With regard to **Jewish craftsmen**[H] **to whom a gentile sent a barrel of wine** used for **a libation in** lieu of **their wage,** it is **permitted** for them **to say** to him: **Give us its monetary value** instead. But **once it has entered into their possession,** it is **prohibited** for them to say so, as that would be tantamount to selling the wine to the gentile and deriving benefit from it.

גמ׳ אָמַר רַב יְהוּדָה אָמַר רַב: מוּתָּר לְאָדָם לוֹמַר לְגוֹי: ״צֵא וְהַפֵּס עָלַי מְנַת הַמֶּלֶךְ״.

GEMARA **Rav Yehuda says** that **Rav says:** It is **permitted for a person to say to a gentile: Go and placate** the collectors of **the governmental tax** on wine **for me,**[NH] and I will reimburse you subsequently, even if he pays the tax with wine used for a libation.

מֵיתִיבִי: אַל יֹאמַר אָדָם לְגוֹי: ״עוּל תַּחְתַּי לָעוֹצֵר״! אֲמַר לֵיהּ רַב: ״עוּל תַּחְתַּי לָעוֹצֵר״ קָאָמְרַתְּ? הָא לָא דָּמְיָא אֶלָּא לְהָא, אֲבָל אוֹמֵר לוֹ: ״מַלְּטֵנִי מִן הָעוֹצֵר״.

One of the Sages **raised an objection** from a *baraita*: **A person may not say to a gentile: Go in my stead to the commissary** [*la'otzer*][L] to pay the wine tax for me, if he pays it in wine used for a libation. **Rav said to him: You say** that the case I am referring to is similar to one who says to a gentile: **Go in my stead to the commissary?** In that case, since he says: In my stead, whatever the gentile gives the commissary is considered as though the Jew gave it himself. **This** case that I am referring to **is comparable only to that** which is taught in the *baraita*: **But** the Jew **may say to** a gentile: **Save me from the commissary.**[N]

NOTES

All the women married to priests in the city are unfit – כָּל כֹּהֲנוֹת שֶׁבְּתוֹכָהּ פְּסוּלוֹת: The wife of a priest who had intercourse with someone other than her husband, even by rape, is forbidden to her husband. In addition, any woman who had intercourse with a gentile is disqualified from marrying a priest.

Placate the collectors of the governmental tax for me – הַפֵּס עָלַי מְנַת הַמֶּלֶךְ: Rashi and many other early commentaries explain that in this and the subsequent situations, the king imposed a tax on the actual property, i.e., each person is required to pay a portion of the crop, so that a portion of the wine must also be paid. Accordingly, when the gentile gives his own wine, which is forbidden, on behalf of the Jew, the Jew is found to be repaying the gentile for an item from which it is prohibited to derive benefit (but see Rambam and Ramban).

Save me from the commissary – מַלְּטֵנִי מִן הָעוֹצֵר: Rashi explains that this is referring to a situation where the gentile could also settle the debt with money, and he is not considered the Jew's emissary if he pays with wine used for a libation instead. *Tosafot* also note that if he can settle the debt with money or in some other manner, it is certainly permitted. Rabbeinu Tam, in *Sefer HaYashar*, likewise rules that if the government does not demand that it be paid specifically in wine, there is certainly no problem. He explains that even if he must settle the debt by paying with wine, since the Jew does not instruct the gentile to pay with wine but to settle the debt in any way he can, this is sufficient to disconnect the Jew from the wine itself.

LANGUAGE

Commissary [*otzer*] – עוֹצֵר: From the root *ayin*, *tzadi*, *reish*, meaning hold by force, and from this, to rule or to govern (see Deuteronomy 32:36 and Rashi there). It also indicates matters of pressure and urgency. This unusual word may have been used here in order to combine the senses of a governor and an oppressor together in a single word. Some versions of the Gemara have the word here spelled with an *alef* instead of an *ayin*, which would mean treasury or storage.

HALAKHA

A city that was conquered by an army laying siege – עִיר שֶׁכְּבָשׁוּהָ כַּרְקוֹם: If gentiles surrounded a town from all sides so that no woman could escape, all of the women in the town are disqualified from marrying priests as though they were captives, because there is concern that they may have had intercourse with gentiles. This applies when the troops are of the local regime, because they settle in the town and have no fear, and therefore there is concern that they had intercourse with the women. But if it was a foreign army that invaded and then moved on, the women are not disqualified from marrying priests, because the army did not have leisure to have intercourse, as they were preoccupied with looting the town and leaving. This is in accordance with Rav Yitzḥak's explanation in *Ketubot*, which does not contradict Rav Mari's opinion with regard to wine used for a libation (*Kesef Mishne*). The Rif, the Ramban, and the Rosh disagree and say that even if it is a foreign army the women are disqualified from marrying priests, in accordance with the explanation of Rav Mari here that they have leisure to have intercourse, contrary to the explanation of Rav Yitzḥak (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:26, 29; *Shulḥan Arukh*, *Even HaEzer* 7:10).

Jewish craftsmen, etc. – הָאוּמָנִין שֶׁל יִשְׂרָאֵל וכו׳: In the case of Jewish craftsmen to whom a gentile sent a barrel of wine used for a libation in lieu of their wage, it is permitted for them to say to him: Give us its value instead. But once the barrel has entered their possession, it is prohibited. If they did not accept it as their wage, even if it entered their property, this is not considered acquisition, as a courtyard does not effect acquisition of an item against the will of the owner of the courtyard (*Shakh*). Nowadays, when it is permitted to derive benefit from nondescript wine to avoid monetary loss, it is permitted to send back the wine even after it was accepted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:20; *Shulḥan Arukh*, *Yoreh De'a* 132:3, and in the comment of Rema).

Go and placate the collectors of the governmental tax for me – צֵא וְהַפֵּס עָלַי מְנַת הַמֶּלֶךְ: If a king was distributing his wine and taking from people whatever price he chose, a Jew may not say to a gentile: Take these two hundred dinars and go in my place to the king's commissary, so that the gentile would receive the wine assigned to the Jew. The Jew may say to him: Here is money, save me from the commissary, as this is how the Rambam understands the mishna. Some say that if the Jew's name was registered for a portion of the wine, he cannot make this arrangement using any terminology (*Tur*; *Shakh*). In the case of a Jew who has wine and is obligated to give a known portion of it to the king, he may say to a gentile: Appease the king for me, even if the gentile gives wine used for a libation and the Jew gives him money, but he may not say to him explicitly: Go take my place and give to the king (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:27; *Shulḥan Arukh*, *Yoreh De'a* 132:5–6).

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HALAKHA

A Jew who sells his wine to a gentile – הַמּוֹכֵר יֵינוֹ לְנָכְרִי: In a case where a Jew sells his wine to a gentile, if they agreed upon a price before the gentile pulled the wine, the money is permitted, because agreeing to the price is resolving to acquire it, and once the gentile has pulled it he has acquired it. Since it is not wine used for a libation until he touches it, at the time of the sale it was permitted. But if the gentile pulled the wine before the agreement was reached, the money is forbidden because although he pulled the wine, the gentile had not yet resolved to acquire it, and the wine is rendered forbidden by his contact, so that it is then considered selling nondescript wine of gentiles. The Rema rules that all of this applies only in those times when the gentiles poured libations and through contact with wine they rendered it prohibited to derive benefit from it; however, today, when the gentiles do not pour libations, and their contact with wine renders it prohibited only to drink the wine, it is permitted to derive benefit from it in every situation, and so the common custom is to sell wine to gentiles and not to be stringent in these matters (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:23; *Shulḥan Arukh*, *Yoreh De'a* 132:2).

Acquiring by pulling applies to a gentile – מְשִׁיכָה בְּגוֹי קוֹנָה: In transactions with a gentile, the act of pulling effects acquisition even without money being given, in accordance with the statement of Ameimar. The Rambam rules that he also acquires property by means of giving money, without pulling the item. Rashi rules that a gentile acquires property only by giving money but not by pulling, in accordance with the statement of Rav Ashi, and his opinion is followed in matters concerning prohibitions *ab initio* (Rambam *Sefer Kinyan*, *Hilkhot Zekhiya UMattana* 1:14; *Shulḥan Arukh*, *Yoreh De'a* 320:6, and in the comment of Rema, and *Ḥoshen Mishpat* 194:3 in the comment of Rema).

NOTES

Acquiring by pulling applies to a gentile – מְשִׁיכָה בְּגוֹי קוֹנָה: A gentile can acquire an item by pulling even without the payment having been made (Rashi).

LANGUAGE

Gift [*pardashna*] – פַּרְדַּשְׁנָא: Apparently from the Middle Iranian pāy-dāšn, meaning a gift in return for another gift.

מתני׳ הַמּוֹכֵר יֵינוֹ לְנָכְרִי, פָּסַק עַד שֶׁלֹּא מָדַד – דָּמָיו מוּתָּרִין, מָדַד עַד שֶׁלֹּא פָּסַק – דָּמָיו אֲסוּרִין.

MISHNA In the case of a Jew **who sells his wine to a gentile,**[H] if **he fixed** a price **before he measured** the wine into the gentile's vessel, deriving benefit from **the money** paid **for** the wine is **permitted.** It is not tantamount to selling wine used for a libation, as the gentile purchased the wine before it became forbidden, and the money already belonged to the Jew. But if the Jew **measured** the wine into the gentile's vessel, thereby rendering it forbidden, **before he fixed** a price, **the money** paid **for** the wine is **forbidden.**

גמ׳ אָמַר אַמֵימָר: מְשִׁיכָה בְּגוֹי קוֹנָה; תֵּדַע, דְּהָנֵי פַּרְסָאֵי מְשַׁדְּרִי פַּרְדַּשְׁנֵי לַהֲדָדֵי וְלָא הָדְרִי בְּהוּ. רַב אַשִׁי אָמַר, לְעוֹלָם אֵימָא לָךְ: מְשִׁיכָה בְּגוֹי אֵינָהּ קוֹנָה, וְהַאי דְּלָא הָדְרִי בְּהוּ – דִּרְמוּת רוּחָא הוּא דִּנְקִיטָא לְהוּ.

GEMARA **Ameimar says:** The legal act of **acquiring** an object **by pulling** it applies **to a gentile.**[HN] **Know** that it is so, **as those Persians send gifts** [*pardashnei*][L] **to one another and do not retract them,** which shows that they acquire one from another by pulling the object alone, even without paying for it. **Rav Ashi says: Actually, I will say to you** that **pulling** an object **does not acquire** it **in** a transaction involving **a gentile, and** the fact **that they do not retract their** gifts is not due to the *halakhot* of acquisition but **because they are taken over by haughtiness,** and they consider it shameful to retract a gift.

אָמַר רַב אַשִׁי: מְנָא אָמִינָא לָהּ? מַדְּאָמַר לְהוּ רַב לְהָנְהוּ סָבוּתָא: כִּי כָּיְילִיתוּ חַמְרָא לְגוֹיִם – שְׁקִלוּ זוּזֵי מִינַּיְיהוּ וַהֲדַר כַּיְילָן לְהוּ. וְאִי לָא נְקִיטוּ בַּהֲדַיְיהוּ זוּזֵי, אוֹזִיפוּנְהוּ וַהֲדַר שְׁקִילוּ מִינַּיְיהוּ, כִּי הֵיכִי דְּתֶיהֱוֵי הַלְוָאָה גַּבַּיְיהוּ. דְּאִי לָא עָבְדִיתוּ הָכִי, כִּי קָא הָוֵי יַיִן נָסֵךְ – בִּרְשׁוּתַיְיכוּ קָא הָוֵי, וְכִי שְׁקִילְתּוּ – דְּמֵי יַיִן נָסֵךְ קָא שְׁקִילְתּוּ; וְאִי סָלְקָא דַּעְתָּךְ מְשִׁיכָה בְּגוֹי קוֹנָה,

Rav Ashi said: From where do I say that acquisition by pulling does not apply to gentiles? It is **from** that **which Rav said to certain wine shopkeepers: When you measure wine for gentiles, take** the **dinars from them and then measure** the wine **for them. And if they do not have dinars with them** readily available, **lend them** dinars **and then take** those dinars back **from them, so that it will be a loan** provided **to them** that they are repaying. **As if you do not do so, when it becomes wine** used for **a libation it becomes** so **in your possession, and when you take** the money it will be **payment for wine** used for **a libation** that **you are taking.** Rav Ashi concludes his proof for his opinion: **And if it enters your mind** that **pulling** an object **acquires** it **in** a transaction involving **a gentile,**

Perek **V**
Daf **71** Amud **b**

מִדְּמַשְׁכֵּהּ גּוֹי קַנְיֵיהּ, יַיִן נָסֵךְ לָא הָוֵי עַד דְּנָגַע בֵּיהּ!

from the moment **that he pulled it,** the **gentile acquired it,** whereas **it did not become wine** used for **a libation until he touched it.** Therefore, the seller can receive payment for the wine he sold, because at the time of the acquisition the wine was permitted.

אִי דְּקָא כָּיֵיל וְרָמֵי לְמָנָא דְּיִשְׂרָאֵל – הָכִי נַמִי; לָא צְרִיכָא, דְּקָא כָּיֵיל וְרָמֵי לְמָנָא דְּגוֹי.

The Gemara rejects this proof: **If** it is a case **where** the seller **measures**[H] the wine **and pours** it **into the vessel of a Jew,** it is **indeed** permitted to do so without receiving payment first. Rav's ruling **is not necessary** except in a case **where he measures** the wine **and pours** it **into the vessel of** the **gentile,** which contains wine used for a libation, and the wine is rendered forbidden upon contact with the vessel even before the gentile acquires it by pulling it.

HALAKHA

If it is a case where the seller measures, etc. – אִי דְּקָא כָּיֵיל וכו׳: The ruling permitting the money paid for the wine if the Jewish seller agrees with the gentile buyer on the price before measuring the wine applies in the case where the Jew measures the wine into his own vessel, or, according to the *Tur*, into the gentile's vessel if there were no remnants of wine left in it. But if the Jew measures the wine into the gentile's vessel containing wine, or into a Jew's vessel in the hand of the gentile, he must receive the money before he measures the wine into the vessel, because the gentile can acquire the wine either by pulling or by giving payment. If the Jew measures the wine into the vessel before taking the payment, the money is forbidden, because when the wine reaches the vessel it is rendered forbidden as nondescript wine of gentiles. This is in accordance with the ruling of the Rambam, who holds that a stream of liquid serves as a connection (*Kesef Mishne*, *Leḥem Mishne*). The *Shulḥan Arukh* does not deem the money forbidden and regards a stream of liquid as a connection only with regard to rendering it prohibited to drink the wine (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:24; *Shulḥan Arukh*, *Yoreh De'a* 132:2, and see 124:17–18).

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סוֹף סוֹף כִּי מָטָא לַאֲוִירָא דְּמָנָא קָנֵייהּ, יֵין נָסֵךְ לָא הָוֵי עַד דְּמָטֵי לְאַרְעִיתֵיהּ דְּמָנָא; שְׁמַע מִינָּהּ: נִצּוֹק חִבּוּר?

The Gemara raises an objection: **Ultimately,** even in this case, **when** the wine **reaches the** interior **airspace of the** gentile's **vessel,**[N] **he acquires it,** as this too is a mode of acquisition. And **it does not become wine** used for **a libation until it reaches the bottom of the vessel,** making contact with it, so the acquisition occurs before the wine becomes forbidden. Can one **conclude from** this that in the opinion of Rav **a stream** of liquid serves as **a connection**[N] between two bodies of liquid? If so, when the Jew pours the wine into the gentile's vessel, the flow of wine that is in contact with the forbidden wine at the bottom of the vessel would render all the wine being poured into the vessel forbidden.

לָא, אִי דְּנָקִיט לֵיהּ גּוּי לִכְלִי בִּידֵיהּ – הָכִי נַמִּי; לָא צְרִיכָא דְּמַנַּח אַאַרְעָא.

The Gemara rejects this conclusion: **No,** a stream of liquid does not serve as a connection, and therefore **if** the **gentile is holding the vessel in his hand,**[H] the gentile **indeed** acquires the wine before it becomes forbidden, and therefore the money paid for it is permitted. Rav's ruling **is not necessary** unless the gentile's vessel **is set on the ground,** so that there is no act of acquisition before the wine becomes forbidden.

וְתֵיקְנֵי לֵיהּ כֵּלָיו; שָׁמְעַתְּ מִינָּהּ: כֵּלָיו שֶׁל לוֹקֵחַ בִּרְשׁוּת מוֹכֵר לֹא קָנָה לוֹקֵחַ?

The Gemara asks: **But let the vessels of** the gentile **acquire** the wine from the moment it enters the interior airspace. Can one **conclude from** this that if the **buyer's vessels** are **in the domain of the seller, the buyer does not acquire** the merchandise once it is placed in his vessels? This is an issue that is subject to a dispute between the Sages, which remains unresolved.

לָא, לְעוֹלָם אֵימָא לָךְ: קָנָה לוֹקֵחַ, וְהָכָא בְּמַאי עָסְקִינַן – כְּגוֹן דְּאִיכָּא עַכָּבַת יַיִן אַפּוּמֵיהּ דְּכוּזְנְתָּא, דְּקָמָא קָמָא אִינְסִיךְ לֵיהּ.

The Gemara rejects this: **No, actually, I** could **say to you** that the **buyer acquires** the merchandise in such a case. **But here,** where the wine is rendered forbidden before being acquired by the gentile, **we are dealing with** a case **where there is a remnant of wine**[H] remaining **on the mouth of the** gentile's **jug** [***kuzanta***],[L] which renders the wine poured into the jug forbidden, **as each** bit of wine **becomes libation** wine when it comes into contact with the remnant of wine on the mouth as it is poured into the jug. This is why Rav told the wine shopkeepers to take the money before measuring the wine into the gentile's vessel.

וּכְמַאן? דְּלָא כְּרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל, דְּאִי רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל, הָאָמַר: יִמָּכֵר כּוּלּוֹ לְנָכְרִים חוּץ מִדְּמֵי יַיִן נָסֵךְ שֶׁבּוֹ!

The Gemara raises an objection: **And in accordance with whose** opinion does Rav say this? It is **not in accordance with** the opinion of **Rabban Shimon ben Gamliel; as, if** it were in accordance with the opinion of **Rabban Shimon ben Gamliel, doesn't he say** that libation wine that became mixed with other wine **may all be sold to gentiles** for the monetary value of the entire mixture **except for the value of the wine** used for **a libation that is in** the mixture? Accordingly, it is permitted to accept payment for wine that was poured into a gentile's vessel, and the *halakha* is in accordance with the opinion of Rabban Shimon ben Gamliel.

NOTES

The interior airspace of the vessel – לַאֲוִירָא דְּמָנָא: In general, an item that is in the interior space of a certain domain is regarded as resting in it. Therefore, once the gentile has raised the vessel and is holding it, whatever enters the interior space of the vessel is immediately acquired by him. With regard to wine used for a libation, the prohibition takes effect only when the wine being poured comes into contact with wine used for a libation.

Can one conclude from this that a stream of liquid serves as a connection – שְׁמַע מִינָּהּ נִצּוֹק חִבּוּר: This is the subject of a disagreement among the disciples of Rav (see 72a).

LANGUAGE

Jug [*kuzanta*] – כּוּזְנְתָּא: The base word, found in the mishna, is *kuz*, which is similar to the term kuz in Iranian languages, meaning jug. *Kuzanta* is a diminutive feminine form, suggesting a small jug.

HALAKHA

If the gentile is holding the vessel in his hand, etc. – אִי דְּנָקִיט לֵיהּ גּוּי לִכְלִי בִּידֵיהּ וכו': In a case where a Jew is selling wine and measures his wine into a gentile's vessel, if the gentile is holding the vessel in his hand, or if he is standing in the seller's domain and the seller says to him: Let your vessels effect acquisition for you, or if the vessel is in the gentile's courtyard, even if there is wine in the bottom of the gentile's vessel it is permitted to measure first and subsequently take the payment for the wine *ab initio*, because the moment the wine enters the interior space of the vessel, the gentile has acquired it, and the wine is not rendered forbidden until it reaches the bottom of the vessel. This applies as well if the gentile measured the wine himself but first he raised the Jew's vessel in order to acquire the wine (*Shulḥan Arukh*, *Yoreh De'a* 132:2, and in the comment of Rema).

Where there is a remnant of wine – דְּאִיכָּא עַכָּבַת יַיִן: If there is a remnant of the gentile's wine on the mouth of the vessel into which the Jewish seller is measuring the wine, he should not measure into the gentile's vessel and subsequently take the payment *ab initio*, as the wine is rendered forbidden immediately, before the gentile has acquired it. Nevertheless, since the wine is rendered forbidden due to being mixed with the wine on the mouth of the vessel, it is permitted to derive benefit after the fact from all of the wine except the value of the portion which is wine used for a libation, in accordance with the opinion of Rabban Shimon ben Gamliel, though not in accordance with Rav's understanding of his opinion. The Rema rules that in contemporary times, when the gentiles do not pour libations, it is prohibited only to drink the wine and not to derive benefit from it, and therefore in any event a Jew may sell the wine to a gentile (*Shulḥan Arukh*, *Yoreh De'a* 132:2, and in the comment of Rema).

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מִידֵּי הוּא טַעְמָא אֶלָּא לְרַב, דְּאָמַר רַב: הֲלָכָה כְּרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל חָבִית בְּחָבִית, אֲבָל לֹא יַיִן בְּיַיִן.

The Gemara answers: **The explanation** of **this** ruling can be **only according to** the opinion of **Rav,** who issued the ruling. And **doesn't Rav say** that the ***halakha*** is **in accordance with** the opinion of **Rabban Shimon ben Gamliel** only in the case of **a barrel** of permitted wine that became intermingled **with** another **barrel** of libation wine, **but not** in the case of **wine** that became mixed **with** other **wine** in the same barrel? Therefore, explaining Rav's statement as contradicting the opinion of Rabban Shimon ben Gamliel is not problematic; consequently, it cannot be proven from his statement that a gentile does not acquire an item by pulling it.

מֵיתִיבִי: הַלּוֹקֵחַ גְּרוּטָאוֹת מִן הַגּוֹיִם וּמָצָא בָּהֶן עֲבוֹדָה זָרָה, אִם עַד שֶׁלֹּא נָתַן מָעוֹת מָשַׁךְ – יַחֲזִיר, אִם מִשֶּׁנָּתַן מָעוֹת מָשַׁךְ – יוֹלִיךְ לְיַם הַמֶּלַח; אִי סָלְקָא דַּעְתָּךְ מְשִׁיכָה בְּגוֹי קוֹנָה, אַמַּאי יַחֲזִיר? אֲמַר אַבַּיֵי: מְשׁוּם דְּמֵיחֲזֵי כִּי מִקַּח טָעוּת.

The Gemara **raises** another **objection** to the statement of Ameimar that a gentile can acquire an object by pulling it. It is taught in a *baraita*: With regard to **one who buys broken vessels** made of gold or silver **from the gentiles**[H] **and finds among them** an object of **idol worship, if he pulled** the object of idol worship, thereby performing an act of acquisition, **before he gave** the **money** to the gentile, **he may return** the object of idol worship to the gentile. But **if he pulled** it **after he gave** the **money** to the gentile, he may not return it. Since the idol's status was not revoked, he must **take** it and cast it **into the Dead Sea.** In that case, **if it enters your mind** that **pulling** an object **acquires** it **in** a transaction with **a gentile,** as Ameimar maintains, then **why may he return** the object once he has pulled it, since it is his? **Abaye said:** He may return it **because it appears to be a mistaken transaction,** since he clearly did not intend to purchase an object of idol worship.

אֲמַר רָבָא: רֵישָׁא מִקַּח טָעוּת, סֵיפָא לָאו מִקַּח טָעוּת? אֶלָּא אֲמַר רָבָא: רֵישָׁא וְסֵיפָא מִקַּח טָעוּת, וְרֵישָׁא דְּלָא יָהֵיב זוּזֵי לָא מִיתְחֲזֵי כַּעֲבוֹדָה זָרָה בְּיַד יִשְׂרָאֵל, סֵיפָא דְּיָהֵיב זוּזֵי מִיתְחֲזֵי כַּעֲבוֹדָה זָרָה בְּיַד יִשְׂרָאֵל.

Rava said: Then why, in the second instance, where he paid the money, may he not return it? Is the purchase in **the first clause a mistaken transaction** but the purchase in **the latter clause not a mistaken transaction? Rather, Rava said:** The purchase in **the first clause and** the purchase in **the latter clause** are both **a mistaken transaction, but** in the case presented in **the first clause, where he did not pay him the dinars, it does not appear as** though there is an object of **idol worship in the possession of a Jew,** and so he may return it. By contrast, in **the latter clause, where he did pay him the dinars, it appears as** though there is an object of **idol worship in the possession of a Jew,**[N] and therefore he must cast away the object rather than return it.

אֲמַר לֵיהּ מָר קַשִּׁישָׁא בְּרֵיהּ דְּרַב חִסְדָּא לְרַב אַשִׁי, תָּא שְׁמַע: הַמּוֹכֵר יֵינוֹ לְנָכְרִי, פָּסַק עַד שֶׁלֹּא מָדַד – דָּמָיו מוּתָּרִים; וְאִי אָמְרַתְּ מְשִׁיכָה בְּגוֹי אֵינָהּ קוֹנָה, אַמַּאי דָּמָיו מוּתָּרִין? הָכָא בְּמַאי עָסְקִינַן – דְּאַקְדִּים לֵיהּ דִּינָר.

§ The Gemara cites a claim against Rav Ashi's opinion that a gentile cannot acquire an item by pulling it: **Mar Kashisha,**[P] **son of Rav Ḥisda, said to Rav Ashi: Come** and **hear** an objection to your opinion from the mishna: In the case of a Jew **who sells his wine to a gentile,** if **he fixed** a price **before he measured** the wine into the gentile's vessel, deriving benefit from **the money** paid **for** the wine is **permitted,** as the wine was acquired by the gentile before he touched it. **And if you say** that **pulling** an item **does not acquire** it **in** a transaction involving **a gentile, why is the money** paid **for it permitted?** Rav Ashi replied: **Here we are dealing with** a case **where** the gentile **paid him a dinar in advance,** before the measuring, thereby acquiring the wine with money.

אִי הָכִי, אֵימָא סֵיפָא: מָדַד עַד שֶׁלֹּא פָּסַק – דָּמָיו אֲסוּרִין, וְאִי דְּקַדֵּים לֵיהּ דִּינָר, אַמַּאי דָּמָיו אֲסוּרִין?

One of the Sages raised an objection: **If that is so, say the last clause:** But if the Jew **measured** the wine into the gentile's vessel, thereby rendering it forbidden, **before he fixed** a price, **the money** paid **for** the wine is **forbidden. And if he paid him a dinar in advance, why** should **the money** paid **for it** be **forbidden?**

אֲמַר לֵיהּ: וּלְדִידָךְ דְּאָמְרַתְּ מְשִׁיכָה בְּגוֹי קוֹנָה, אַמַּאי רֵישָׁא דָּמָיו מוּתָּרִין וְסֵיפָא דָּמָיו אֲסוּרִין?

Rav Ashi **said to him: And according to you, as you say** that **pulling acquires** items **in** a transaction involving **a gentile, why** in **the first clause** is **the money** paid **for it permitted, and** in **the latter clause the money** paid **for it** is **forbidden?**

אֶלָּא מַאי אִית לָךְ לְמֵימַר: פָּסַק – סָמְכָא דַּעְתֵּיהּ, לָא פָּסַק – לָא סָמְכָא דַּעְתֵּיהּ;

Rather, what have you to say to explain the distinction between the two cases? You say that when the Jew **fixed** a price, the gentile consequently **relied** on him that the sale would not be canceled, and so the sale was concluded by the pulling. But in a case where **he did not fix** a price, the gentile **did not rely** on him that the sale would not be canceled, and therefore the sale was not concluded.

HALAKHA

One who buys broken vessels from the gentiles – הַלּוֹקֵחַ גְּרוּטָאוֹת מִן הַגּוֹיִם: In a case where one buys broken vessels from a gentile and finds an object of idol worship among them, if he paid for the items but did not yet pull them, or pulled them but did not yet pay for them, he may return it to the gentile, because although acquisition by pulling is effective in transactions with gentiles, this is considered a mistaken transaction. If the Jew both paid for the items and pulled them, he must cast the object of idol worship to the Dead Sea, in accordance with the *baraita* and the statement of Rava (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:5; *Shulḥan Arukh*, *Yoreh De'a* 146:3).

NOTES

It appears as though there is an object of idol worship in the possession of a Jew – מִיתְחֲזֵי כַּעֲבוֹדָה זָרָה בְּיַד יִשְׂרָאֵל: When the Jew returns the object of idol worship to the gentile without receiving money for it, this does not have the appearance of a commercial transaction. But when he does receive money in return, it has the appearance, although not the substance, of a Jew selling an object of idol worship to a gentile (Rashi).

PERSONALITIES

Mar Kashisha – מָר קַשִּׁישָׁא: It appears that Rav Ḥisda had two sons who were named or called Mar, and in order to avoid confusion between the two, one was called Kashisha, meaning the elder, and the other was called Yenuka, meaning the younger. According to Rashi, Mar Kashisha was the older of the two and Mar Yenuka the younger. According to *Tosafot*, Mar Yenuka was born first and was called the younger because he was born while Rav Ḥisda was still young, whereas Mar Kashisha, the younger son, was born in his father's later years.

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לְדִידִי נַמִּי, אַף עַל גַּב דְּקַדֵּים לֵיהּ דִּינָר, פָּסַק – סָמְכָא דַּעְתֵּיהּ, לָא פָּסַק – לָא סָמְכָא דַּעְתֵּיהּ.

According to my opinion **as well, even though** the gentile **gave him a dinar in advance,** if **he fixed** a price, the gentile **relied** on him that the sale would not be canceled, and if **he did not fix** a price, the gentile **did not rely** on him that the sale would not be canceled.

אֲמַר לֵיהּ רָבִינָא לְרַב אַשִׁי: תָּא שְׁמַע, דְּאָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: בֶּן נֹחַ נֶהֱרָג עַל פָּחוֹת מִשָּׁוֶה פְּרוּטָה, וְלֹא נִיתָּן לְהִישָּׁבוֹן; וְאִי אָמְרַתְּ מְשִׁיכָה בִּגּוֹי אֵינָהּ קוֹנָה, אַמַּאי נֶהֱרָג?

Ravina said to Rav Ashi: Come and **hear** another proof against your opinion, **as Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says: A descendant of Noah,**[B] i.e., a gentile, **is executed** by the court **for** theft of even **less than the value of one *peruta*;**[NH] **but** if he stole less than the value of one *peruta* from a Jew, **it is not subject to restitution,** i.e., he is not obligated to return it, as the Jew presumably waived the debt. **And if you say** that **pulling** an item **does not acquire** it **in** a transaction involving **a gentile, why** should **he** be **executed?**[N] He did not commit a legally significant act by stealing the item, as it remains in the possession of the owner.

מִשּׁוּם דְּצַעֲרֵיהּ לְיִשְׂרָאֵל.

The Gemara answers: He is executed **because he caused a Jew distress** by stealing the item, even though by the *halakhot* of acquisition the thief did not acquire it.

BACKGROUND

Seven Noahide mitzvot – שֶׁבַע מִצְוֹת בְּנֵי נֹחַ: These are seven universal mitzvot binding on all humanity. They are: The prohibition against idol worship, the prohibition against murder, the prohibition against incest and adultery, the prohibition against robbery and kidnapping, the prohibition against blasphemy, the prohibition against eating a limb from a living animal, and the obligation to establish courts of law. A gentile who violates one of these mitzvot is liable to receive the death penalty. Although the commonly accepted number for the Noahide laws is seven, some authorities have compiled more extensive lists comprising up to thirty mitzvot. According to all opinions, the death penalty does not apply to any of the additional mitzvot.

NOTES

Executed for theft of less than the value of one *peruta* – נֶהֱרָג עַל פָּחוֹת מִשָּׁוֶה פְּרוּטָה: One of the seven Noahide mitzvot is the prohibition against theft, and a gentile who transgresses any of these seven mitzvot is liable to receive the death penalty. The Rambam explains that although when a Jew steals he is liable only if the stolen item was worth at least one *peruta*, this is because in *halakha*, a value of less than one *peruta* is insignificant with regard to all matters. Since with regard to gentiles, an item of less than one *peruta* is considered to have value concerning other matters, they are liable for stealing that amount as well.

And if you say pulling does not acquire in a transaction involving a gentile, why should he be executed – וְאִי אָמַרְתְּ מְשִׁיכָה בִּגּוֹי אֵינָהּ קוֹנָה אַמַּאי נֶהֱרָג: If a gentile does not acquire an item by pulling it, then even when the property is in the gentile's hand it is not considered his, and so this should not be considered theft.

HALAKHA

Executed for theft of less than the value of one *peruta* – נֶהֱרָג עַל פָּחוֹת מִשָּׁוֶה פְּרוּטָה: A gentile who committed theft is liable to receive the death penalty, whether he stole from a Jew or from another gentile, even if the stolen item was worth less than one *peruta*. If a second gentile then stole that item from the first thief, they are both liable (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 9:9).

Perek **V**
Daf **72** Amud **a**

וּמַאי ״לֹא נִיתָּן לְהִישָּׁבוֹן״? דְּאֵינוֹ בִּתּוֹרַת הִישָּׁבוֹן.

And what does it mean that the stolen object **is not subject to restitution?** It means **that it is not** subject **to the *halakhot* of restitution,**[N] because it is not technically a theft.

אִי הָכִי, אֵימָא סֵיפָא: בָּא חֲבֵירוֹ וּנְטָלָהּ מִמֶּנּוּ – נֶהֱרָג עָלֶיהָ; בִּשְׁלָמָא רֵישָׁא – מִשּׁוּם דְּצַעֲרֵיהּ לְיִשְׂרָאֵל, אֶלָּא סֵיפָא – מַאי עָבֵיד?

The Gemara asks: **If that is so, say the latter clause** of that halakhic statement: If **another** descendant of Noah **came and took** the stolen item **from him,** he is also **executed for it. Granted,** with regard to **the first clause** it can be explained that although there is no obligation to return the item, the gentile is executed **because he caused the Jew distress; but** with regard to **the latter clause, what did he do?** He did not cause the Jew distress, and since the item is worth less than one *peruta*, one is not obligated to return it unless he stole it from a gentile. Consequently, the second theft should not be considered a legally significant act.

אֶלָּא שְׁמַע מִינָּהּ: מְשִׁיכָה בִּגּוֹי קוֹנָה, שְׁמַע מִינָּהּ.

Rather, should one not **conclude from it** that one **pulling** an item **acquires** it **in** a transaction performed by **a gentile?** Accordingly, the actions of both the first and second gentiles are legally significant acts of theft, for which they are liable to be executed. The Gemara affirms: **Conclude from it** that this is so.

NOTES

That it is not subject to the *halakhot* of restitution – דְּאֵינוֹ בִּתּוֹרַת הִישָּׁבוֹן: Rashi explains that according to this opinion, this ruling does not apply only to theft of less than the value of one *peruta*, as presumed in the question. Rather, this is a general statement with regard to any theft of a Noahide, even one involving more than the value of one *peruta*, and is stating that since the gentile does not acquire the stolen item by pulling it, the *halakhot* of theft and restitution do not apply. The Ra'avad explains this means that since the gentile is liable to receive the death penalty only due to the fact that the theft caused pain to a Jew, and not because he actually acquired the stolen item, therefore, restitution of the theft does not remedy the matter, although he is certainly obligated to return the item to its owner (see Ritva).

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הַהוּא גַּבְרָא דַּאֲמַר לֵיהּ לְחַבְרֵיהּ: ״אִי מְזַבֵּינְנָא לָךְ לְהָא אַרְעָא – לָךְ מְזַבֵּינְנָא לָהּ״, אֲזַל זַבְנָהּ לְאִינִישׁ אַחֲרִינָא, אֲמַר רַב יוֹסֵף: קָנָה קַמָּא.

§ The Gemara relates: There was an incident involving **a certain man who said to another: If I sell this land, I will sell it to you,** and they performed a formal act of acquisition to ratify the agreement. **He went** and **sold it to another person. Rav Yosef said: The first one has acquired** it.

אֲמַר לֵיהּ אַבַּיֵי: וְהָא לָא פָּסַק! וּמְנָא תֵּימְרָא דְּכָל הֵיכָא דְּלָא פָּסַק לָא קָנָה? דְּתְנַן: הַמּוֹכֵר יַיִן לְנָכְרִי, פָּסַק עַד שֶׁלֹּא מָדַד – דָּמָיו מוּתָּרִין, מָדַד עַד שֶׁלֹּא פָּסַק – דָּמָיו אֲסוּרִין.

Abaye said to him: But he did not fix a price[H] with him for it. **And from where do you say that wherever** the people involved in the transaction **did not fix** a price, the buyer **has not acquired** the item, even if they performed a formal act of acquisition? It is from that **which we learned** in the mishna: In the case of a Jew **who sells his wine to a gentile,** if **he fixed** a price **before he measured** the wine into the gentile's vessel, deriving benefit from **the money** paid **for** the wine is **permitted.** But if the Jew **measured** the wine into the gentile's vessel, thereby rendering it forbidden, **before he fixed** a price, **the money** paid **for** the wine is **forbidden.**

מַאי הֲוֵי עֲלָהּ? מַאי הֲוֵי עֲלָהּ? כִּדְקָאָמְרִינַן! דִּלְמָא חוּמְרָא דְּיֵין נָסֵךְ שָׁאנֵי.

The Gemara asks: **What** halakhic conclusion **was** reached **about this** matter? The Gemara interjects: What is meant by the question: **What** halakhic conclusion **was** reached **about this** matter? The conclusion is **as we have stated,** that it is evident from the mishna that the acquisition goes into effect only after the price is fixed. The Gemara explains its question: **Perhaps** due to **the stringency of** the prohibition of **wine** used for **a libation,** the case of the mishna **is different** and is not characteristic of the *halakha* in monetary matters.

תָּא שְׁמַע, דַּאֲמַר רַב אִידִי בַּר אָבִין: עוּבְדָא הֲוָה בֵּי רַב חִסְדָּא, וְרַב חִסְדָּא בֵּי רַב הוּנָא, וּפְשָׁטֵיהּ מֵהָא דְּתְנַן: מָשַׁךְ חֲמָרָיו וּפוֹעֲלָיו וְהִכְנִיסָן לְתוֹךְ בֵּיתוֹ, בֵּין פָּסַק עַד שֶׁלֹּא מָדַד וּבֵין מָדַד עַד שֶׁלֹּא פָּסַק – לֹא קָנָה, וּשְׁנֵיהֶן יְכוֹלִין לַחֲזוֹר בָּהֶן;

The Gemara suggests: **Come** and **hear** a proof that an acquisition goes into effect only after the price is fixed, **as Rav Idi bar Avin said: There was an incident** that came before **the school of Rav Ḥisda, and Rav Ḥisda** brought it before **the school of Rav Huna, and** Rav Huna **resolved it from that which we learned** in a *baraita*: If one bought from another produce that was loaded on the seller's donkeys or carried by his laborers, and the purchaser **drew** the seller's **donkey drivers or laborers**[H] laden with produce **and brought them into his house,** in this case, **whether** the seller **fixed** a price **before he measured** the produce **or whether he measured** the produce **before he fixed** a price, the purchaser **has not acquired** the produce, **and both of them,** the purchaser or the seller, **can retract** the transaction, as no act of acquisition took place.

פֵּרֵק וְהִכְנִיסָן לְתוֹךְ בֵּיתוֹ, פָּסַק עַד שֶׁלֹּא מָדַד – אֵין שְׁנֵיהֶן יְכוֹלִין לַחֲזוֹר בָּהֶן, מָדַד עַד שֶׁלֹּא פָּסַק – שְׁנֵיהֶן יְכוֹלִין לַחֲזוֹר בָּהֶן.

The *baraita* continues: But if the purchaser **unloaded** the produce **and brought it into his house,** this constitutes an act of acquisition, and therefore if **he fixed** a price **before he measured** the produce, **neither of them can retract,** but if **he measured** the produce **before he fixed** a price, **both of them can retract.** This illustrates that even if there was an act of acquisition, they can retract the transaction until the price has been fixed, in accordance with the statement of Abaye.

הַהוּא גַּבְרָא דַּאֲמַר לֵיהּ לְחַבְרֵיהּ: ״אִי מְזַבֵּינְנָא לָהּ לְהָא אַרְעָא – מְזַבֵּינְנָא לָךְ בִּמְאָה זוּזֵי״, אֲזַל זַבְנָהּ לְאִינִישׁ אַחֲרִינָא בִּמְאָה וְעֶשְׂרִין. אֲמַר רַב כָּהֲנָא: קָנָה קַמָּא. מַתְקִיף לָהּ רַב יַעֲקֹב מִנְּהַר פְּקוֹד: הַאי זוּזֵי אֲנָסוּהוּ! וְהִלְכְתָא כְּרַב יַעֲקֹב מִנְּהַר פְּקוֹד.

§ There was a related incident involving **a certain man who said to another: If I** will desire to **sell this land, I will sell it to you for one hundred dinars,** and they performed an act of acquisition to ratify the agreement. **He went** and **sold it to another person for one hundred and twenty** dinars. **Rav Kahana said: The first one has acquired it. Rav Ya'akov of Nehar Pekod objects to this: Those** twenty additional **dinars compelled him**[HN] to sell it to the second purchaser. The Gemara concludes: **And the *halakha*** is **in accordance with** the opinion of **Rav Ya'akov of Nehar Pekod.**

HALAKHA

But he did not fix a price – וְהָא לָא פָּסַק: In the case of one who says to another: When I sell this field it will have been sold to you from this time for one hundred dinars, and the buyer performed an act of acquisition, and subsequently the seller effected a sale with another buyer for one hundred dinars, the first buyer has acquired it. But if the seller merely promised to sell it to the first and did not agree upon a price, the field is sold to the second, in accordance with the statement of Abaye (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 8:7; *Shulḥan Arukh*, *Ḥoshen Mishpat* 206:1).

The purchaser drew the seller's donkey drivers or laborers – מָשַׁךְ חֲמָרָיו וּפוֹעֲלָיו: In a case where a laborer or a donkey bears sacks containing produce for sale, if the buyer drew them to his house in order to acquire the produce, he has not acquired it, even if the buyer and seller agreed to a price and the seller measured it out on the donkey. Some hold that even if the buyer measured it out on the donkey he has not acquired it, since he did not have the intention of acquiring the produce through pulling when he measured it (Ra'avad). Once the buyer unloads the produce and brings it into his house, if they agreed to the price before measuring it out, neither of them can renege on the sale, but if he measured it out before agreeing to the price, either of them can renege on the sale, as they are not committed to finalizing the sale until they agree on the price (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 4:13; *Shulḥan Arukh*, *Ḥoshen Mishpat* 200:7–8).

Twenty additional dinars compelled him – זוּזֵי אֲנָסוּהוּ: In a case where one says to another: When I sell this field I will sell it to you for one hundred dinars, and they performed an act of acquisition, and subsequently the seller sold it to a third party for one hundred and twenty dinars, the third party acquires it. The reason is that when the seller said: When I sell it, it was only under the circumstances he stated at that time, i.e., for the price of one hundred dinars. The offer he received of one hundred and twenty dinars is considered an unexpected circumstance that arose, in accordance with the statement of Rav Yaakov from Nehar Pekod. The Rema comments that if to begin with the seller said that he would sell it only to the first person, or that he would sell it to him for one hundred dinars even if he were later to be offered more, he must sell it to the first person (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 8:7; *Shulḥan Arukh*, *Ḥoshen Mishpat* 206:1).

NOTES

Twenty additional dinars compelled him – זוּזֵי אֲנָסוּהוּ: This is considered a circumstance beyond his control. In general, when one commits himself to sell an item it is assumed that he has not taken into account unforeseen circumstances. Therefore, his previous commitment is not binding (Ramban; see Rid).

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§ If the seller **said to** the purchaser: I will sell you this merchandise **as it is assessed by three**[NH] people, **even** if **two out of the three** agreed to a certain assessment, the seller must accept this price. If he said: I will sell you this merchandise **in accordance with** the price **that is stated by three** people, he is not held to their assessment **unless it is stated by** all **three.** If he said: **As it is assessed by four** people, he is not held to their assessment **unless it is stated by** all **four; and all the more so** in a case **where he said to him: In accordance with** the price **that is stated by four** people.

אֲמַר לֵיהּ: ״כִּדְשָׁיְימִי בְּתְלָתָא״ – אֲפִילּוּ תְּרֵי מִגּוֹ תְּלָתָא, ״כִּדְאָמְרִי בְּתְלָתָא״ – עַד דְּאָמְרִי בְּתְלָתָא, ״כִּדְשָׁיְימִי בְּאַרְבָּעָה״ – עַד דְּאָמְרִי בְּאַרְבָּעָה, וְכָל שֶׁכֵּן הֵיכָא דַּאֲמַר לֵיהּ: ״כִּדְאָמְרִי בְּאַרְבָּעָה״.

If the seller **said to** the buyer: I will sell you this merchandise **as it is assessed by three** people, **and three** people **came and assessed it, and the other one,** the purchaser, **said: Let three other** people, **who are more proficient** in their assessment, **come**[H] and assess the merchandise, **Rav Pappa said: The *halakha* is that he can prevent** the price from being set until more proficient people assess the merchandise. **Rav Huna, son of Rav Yehoshua, objects to this: From where** can he know **that those** other three **are more proficient** in their assessment? **Perhaps these,** the first three, **are more proficient.**[N] The Gemara concludes: **And the *halakha*** is **in accordance with** the opinion of **Rav Huna, son of Rav Yehoshua.**

אֲמַר לֵיהּ: ״כִּדְשָׁיְימִי בְּתְלָתָא״, וַאֲתוּ תְּלָתָא וְשָׁמוּהָ, וַאֲמַר לֵיהּ אִידָךְ: לֵיתוּ תְּלָתָא אַחֲרִינֵי דְּקִים לְהוּ טְפֵי – אֲמַר רַב פַּפָּא: דִּינָא הוּא דְּמַעְכֵּב. מַתְקִיף לָהּ רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: מִמַּאי דְּהָנֵי קִים לְהוּ טְפֵי? דִּלְמָא הָנֵי קִים לְהוּ טְפֵי! וְהִלְכְתָא כְּרַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ.

מתני׳ נָטַל אֶת הַמַּשְׁפֵּךְ וּמָדַד לְתוֹךְ צְלוֹחִיתוֹ שֶׁל נָכְרִי, וְחָזַר וּמָדַד לְתוֹךְ צְלוֹחִיתוֹ שֶׁל יִשְׂרָאֵל, אִם יֵשׁ בּוֹ עֲכָבַת יַיִן – אָסוּר. הַמְעָרֶה מִכְּלִי אֶל כְּלִי, אֶת שֶׁעֵירָה מִמֶּנּוּ – מוּתָּר, וְאֶת שֶׁעֵירָה לְתוֹכוֹ – אָסוּר.

MISHNA

In a case where a Jew **took a funnel and measured**[H] wine **into a gentile's jug, and then measured** wine with the same funnel **into a Jew's jug, if there is a remnant of wine**[N] left **in** the funnel, the wine measured into the Jew's jug is **forbidden,**[N] as some of the wine that was measured into the gentile's jug is mixed in it. In the case of **one who pours** wine **from** one **vessel into** another **vessel,**[H] the wine left in the vessel **from which he poured** is **permitted, but** the wine in the vessel **into which he poured** is **forbidden.**

NOTES

As it is assessed by three, etc. – כִּדְשָׁיְימִי בְּתְלָתָא וכו׳: Because the seller employed the term: Assess, which is generally performed by a court, and he also made reference to three people, which is the minimum number of judges on a court, the presumption is that he intended them to act as a court. Since a court rules based on the majority of its judges, when two of the three arrive at a certain assessment, it is binding on the third one as well. This is not so when the seller says: As stated by three. That terminology does not indicate that the three people should act as a court, and therefore he is expecting that they reach a unanimous decision. When the seller says: As assessed by four, since this is not a number that can ever constitute a court, as a court always consists of an odd number of judges, it is understood that he is expecting a unanimous decision (Rashi).

Perhaps these first three are more proficient – דִּלְמָא הָנֵי קִים לְהוּ טְפֵי: Since the condition of having the merchandise assessed by three people was fulfilled, the sale to which the parties committed themselves and concerning which they performed an act of acquisition takes effect (Rambam; see Meiri).

A remnant of wine – עֲכָבַת יַיִן: Rashi says this means that there is a place in the funnel, whether because of the way it was constructed or because it has a hole or other flaw, where the wine remains upon it.

Forbidden – אָסוּר: The Ra'avad says that the prohibition here is the prohibition against deriving benefit from the wine. If the prohibition were limited to drinking the wine, it would apply to any vessel which held wine used for a libation (see 74b), even if there was no remnant of wine remaining in it. By contrast, the Ramban rules that it is permitted to derive benefit from the wine, and it is prohibited only to drink it. He explains that in contrast to the Gemara on 74b, this Gemara discusses a funnel, not a container. Since it is not a receptacle, the fact that it had been used with wine of gentiles is of no import, except in a case where the wine of the gentiles remains on its sides.

HALAKHA

As it is assessed by three, etc. – כִּדְשָׁיְימִי בְּתְלָתָא וכו׳: In a case where one says to another: When I sell you this field it will have been transferred to you from this moment according to the assessment of its value by a court of three, the price is assessed even by two out of those three. If the seller said to him: As stated by three, then all three must agree. If the seller said: By a court of four, all four must agree (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 8:8; *Shulḥan Arukh*, *Ḥoshen Mishpat* 206:2, and see *Sma* there).

Let three other people who are more proficient come – לֵיתוּ תְּלָתָא אַחֲרִינֵי דְּקִים לְהוּ טְפֵי: If three or four people assessed the value of property, and the seller says: I will not sell it until three others or four others assess its value, he is not heeded, because he had already performed an act of acquisition finalizing the sale based on the assessment of the first group. If the sale had not been finalized, even if an act of acquisition was performed formalizing his commitment to sell the property based on the assessment of those people, it is not binding (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 8:8; *Shulḥan Arukh*, *Ḥoshen Mishpat* 206:4, and in the comment of Rema).

If a Jew took a funnel and measured – נָטַל אֶת הַמַּשְׁפֵּךְ וּמָדַד: In the case of a funnel with which wine was measured for a gentile, if a remnant of that wine remains on the funnel, one may not use it to measure wine for a Jew until it has been cleaned and wiped dry (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:13 and *Kesef Mishne* there; see *Shulḥan Arukh*, *Yoreh De'a* 126:5).

One who pours wine from one vessel into another vessel – הַמְעָרֶה מִכְּלִי אֶל כְּלִי: If one pours wine into a vessel containing a gentile's wine, all of the wine in the source vessel is rendered forbidden, because the stream of uninterrupted flow connects the wine in both vessels, in accordance with the opinion of Rav Huna. The Ra'avad maintains that the wine is forbidden only with regard to drinking, but one may derive benefit from it. The Rema comments that this prohibition applies specifically when the wine in the receiving vessel was moist enough to moisten another item. But if it was a vessel in which wine is stored, it renders the wine forbidden even if it was merely moist itself (*Shakh*, citing Rabbeinu Yeruḥam). The Rema notes that the prohibition is in effect only if the amount of the gentile's wine is sufficient so that if it were to be mixed with the wine of the Jew, it would render the mixture forbidden. In the case of non-descript wine of gentiles, the ratio is one part in sixty (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:12; *Shulḥan Arukh*, *Yoreh De'a* 126:5).

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LANGUAGE

Water descending an incline [*katafres*] – קַטַפְרֵס: From the Greek καταφέρες, *katapheres*, meaning slope or incline.

NOTES

Liquid that rendered an item moist – מַשְׁקֶה טוֹפֵחַ: Rashi emphasizes that the ruling of the mishna in *Teharot* is stated only when the item itself is moist, i.e., that there is a sense of dampness when touching it, but there is not sufficient liquid render another object moist.

Neither with regard to ritual impurity – וְלֹא לְטוּמְאָה: If a liquid was being poured between one vessel and another, or streaming down a slope, and an impure person touched the liquid at the bottom, the water at the top is not rendered impure (Rashi). Similarly, if a liquid was being poured or running down a slope from a pure vessel to an impure vessel, the liquid at the top remains pure (Ra'avad). This applies as well to a case where there is liquid that rendered an item moist and a case where there is liquid that rendered an item moist between two pits filled with liquid: If an impure person touched the liquid in one of the pits or the liquid that rendered an item moist between them, the remaining liquid is not rendered impure.

Nor with regard to purity – וְלֹא לְטָהֳרָה: Rashi explains the case as one of two pits filled with water that have liquid running from one to the other, whether a stream on a slope, or a column, or a liquid that rendered an item moist, and none of the bodies of water is of sufficient volume for immersing for purification. In such a case the liquids are not considered to combine to be a sufficient volume of water for immersion.

גמ' תְּנַן הָתָם: הַנִּצּוֹק וְהַקַּטַפְרֵס וּמַשְׁקֶה טוֹפֵחַ – אֵינוֹ חִיבּוּר לֹא לְטוּמְאָה וְלֹא לְטָהֳרָה, הָאַשְׁבּוֹרֶן – חִיבּוּר לְטוּמְאָה וּלְטָהֳרָה.

GEMARA **We learned** in a mishna **elsewhere** (*Teharot* 8:9): **A stream** of water, **and** water descending **an incline** [*vehakatafres*],[L] **and liquid**[N] that rendered an item **moist** do **not** constitute **a connection**[H] between liquids, **neither with regard to ritual impurity**[N] **nor with regard to purity.**[N] These liquids do not constitute a connection that transmits impurity, e.g., if impure water is in one place and becomes attached to water above it, the water above is not considered attached to the impure water and is not rendered impure. They also do not constitute a connection for purification, e.g., if two collections of water are attached via the pouring of a stream, they do not join together to form the amount of water necessary to form a valid ritual bath, through which people and items can become ritually pure. **A pond** constitutes **a connection** between liquids **with regard to impurity and with regard to purity.**

אָמַר רַב הוּנָא: נִצּוֹק וְקַטַפְרֵס וּמַשְׁקֶה טוֹפֵחַ – חִיבּוּר לְעִנְיַן יַיִן נָסֵךְ.

Rav Huna says: A stream of water, **and** water descending **an incline, and liquid** that rendered an item **moist** constitute **a connection with regard to the matter of wine** used for **a libation.**[H]

אֲמַר לֵיהּ רַב נַחְמָן לְרַב הוּנָא: מְנָא לָךְ הָא? אִילֵימָא מִדְּתָנֵינָן: הַנִּצּוֹק וְהַקַּטַפְרֵס וּמַשְׁקֶה טוֹפֵחַ – אֵינוֹ חִיבּוּר לֹא לְטוּמְאָה וְלֹא לְטָהֳרָה; לְטוּמְאָה וּלְטָהֳרָה הוּא דְּלָא הָוֵי חִיבּוּר, הָא לְעִנְיַן יַיִן נָסֵךְ הָוֵי חִיבּוּר. אֵימָא סֵיפָא: הָאַשְׁבּוֹרֶן – חִיבּוּר לְטוּמְאָה וּלְטָהֳרָה; לְטוּמְאָה וּלְטָהֳרָה הוּא דְּהָוֵי חִיבּוּר, הָא לְעִנְיַן יַיִן נָסֵךְ לָא הָוֵי חִיבּוּר! אֶלָּא מֵהָא לֵיכָּא לְמִשְׁמַע מִינָּהּ.

Rav Naḥman said to Rav Huna: From where do **you** derive **this? If we say** it is derived **from that which we learned** in the mishna: **A stream, and** water descending **an incline, and liquid** that rendered an item **moist** do **not** constitute **a connection** between liquids, **neither with regard to ritual impurity nor with regard to purity,** and it is inferred that **it is with regard to impurity and with regard to purity that it does not constitute a connection, but with regard to wine** used for **a libation it does constitute a connection,** then **say the latter clause: A pond** constitutes **a connection** between liquids **with regard to impurity and with regard to purity.** It can be inferred from here that **with regard to impurity and with regard to purity it is a connection, but with regard to wine** used for **a libation it is not a connection,** contrary to the *halakha* inferred from the former clause. **Rather,** clearly **no** inference is **to be learned from this** mishna.

תְּנַן: נָטַל אֶת הַמַּשְׁפֵּךְ וּמָדַד לְתוֹךְ צְלוֹחִיתוֹ שֶׁל נָכְרִי, וְחָזַר וּמָדַד לְתוֹךְ צְלוֹחִיתוֹ שֶׁל יִשְׂרָאֵל,

The Gemara attempts to bring proof for Rav Huna's opinion from that which **we learned** in the mishna here: In a case where a Jew **took a funnel and measured** wine **into a gentile's jug, and then measured** wine with the same funnel **into a Jew's jug,**

HALAKHA

A stream of water and water descending an incline…do not constitute a connection – הַנִּצּוֹק וְהַקַּטַפְרֵס…אֵינוֹ חִיבּוּר: A stream of water does not constitute a connection with regard to either impurity or purity. Therefore, if one poured ritually pure liquid into an impure vessel, or even onto the carcass of a creeping animal, the stream of liquid retains its pure state, and if one intercepts some of the liquid before it touches the impure item, it remains pure. Needless to say, whatever remains in the vessel remains in a state of purity. Similarly, with regard to purity, if one poured impure water into a ritual bath, the entire stream being poured is not rendered pure due to the bottom of the stream, which has reached the water of the ritual bath and was thereby rendered pure. This likewise applies to water flowing down a slope or liquid that rendered an item moist: They do not constitute a connection to other liquids on the slope, either for impurity or for purification, in accordance with the mishna cited here (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 7:1, 5).

With regard to the matter of wine used for a libation – לְעִנְיַן יַיִן נָסֵךְ: A stream of wine and wine descending an incline constitute a connection with regard to the *halakhot* of wine used for a libation, in accordance with the statement of Rav Huna, provided that the forbidden wine was of the type from which one may not derive benefit, but not if it was merely prohibited to drink it. The Ra'avad maintains that the wine is forbidden only with regard to drinking, but one may derive benefit from it. The principle that a stream of uninterrupted flow constitutes a connection applies to situations where the monetary loss is minimal, but where it is significant, the more lenient halakhic authorities are relied on, and the wine is deemed permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:12; *Shulḥan Arukh*, *Yoreh De'a* 126:1–2).

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אִם יֵשׁ בּוֹ עַכָּבַת יַיִן – אָסוּר; הָא עַכָּבַת יַיִן בְּמַאי קָא מִתַּסְּרָא, לָאו בִּנְצוֹק? שְׁמַע מִינָּהּ: נְצוֹק חִיבּוּר!

if there is a remnant of wine left **in** the funnel, it is rendered **forbidden. In what** manner **is this remnant of wine rendered forbidden? Is it not by** the **stream** of wine going down from the funnel into the gentile's vessel, thereby connecting the gentile's vessel and the funnel and rendering the wine in the funnel forbidden? **Conclude from it** that **a stream** constitutes **a connection.**

תָּנֵי רַבִּי חִיָּיא: שֶׁפְּחָסַתּוּ צְלוֹחִיתוֹ. אֲבָל לֹא פְּחָסַתּוּ צְלוֹחִיתוֹ מַאי? לָא, תִּפְשׁוֹט דִּנְצוֹק אֵינוֹ חִיבּוּר! לָא, פְּחָסַתּוּ צְלוֹחִיתוֹ תִּפְשׁוֹט לָךְ דְּאָסוּר, נְצוֹק תִּיבָּעֵי.

Rabbi Ḥiyya teaches that the mishna is referring to a situation **where** the wine in **the** gentile's **jug** rose and **reached** the funnel.[N] The Gemara infers: **But** in a case where the wine in **the jug did not** rise and **reach** the funnel, **what** is the *halakha*? It is **not** forbidden. Therefore, **resolve** the dilemma and conclude **that a stream is not a connection.** The Gemara rejects this inference: **No,** Rabbi Ḥiyya means to say that in a case where the wine in the **jug** rose and **reached** the funnel **you can resolve** the dilemma and conclude **that it is forbidden,** but with regard to **a stream the dilemma remains** unresolved.

תָּא שְׁמַע: הַמְעָרֶה מִכְּלִי לִכְלִי, אֶת שֶׁמְּעָרֶה מִמֶּנּוּ – מוּתָּר; הָא דְּבֵינֵי בֵּינֵי – אָסוּר, שְׁמַע מִינָּהּ: נְצוֹק חִיבּוּר.

The Gemara suggests: **Come** and **hear** a proof from the second topic discussed in the mishna: In the case of **one who pours** wine **from** one **vessel into** another **vessel,** the wine left in the vessel **from which he poured** is **permitted.** The Gemara infers: **But** the stream of wine **between** the two vessels **is forbidden. Conclude from it** that **a stream** constitutes **a connection.**

אִי נְצוֹק חִיבּוּר, אֲפִילּוּ דְּגוּיֵהּ דְּמָנָא נַמִי לִיתְסַר! הָא לָא קָשְׁיָא, דְּקָא מְקַטֵּיף קְטוּפֵי; מִכָּל מָקוֹם נְצוֹק חִיבּוּר!

The Gemara raises an objection to this proof: **If a stream** constitutes **a connection, even** the wine **inside the vessel** being poured from **should also be forbidden.** The Gemara responds to this objection: **This** is **not difficult.** It is the case **where** the one pouring the wine **interrupts** the flow, so the reason the wine in the vessel being poured from is permitted is that the stream is interrupted; but **in any case, a stream is** considered **a connection.**

וּלְטַעֲמִיךְ, אֵימָא סֵיפָא: אֶת שֶׁעֵירָה לְתוֹכוֹ הוּא דַּאֲסִיר, הָא דְּבֵינֵי בֵּינֵי שָׁרֵי! אֶלָּא, מֵהָא לֵיכָּא לְמִשְׁמַע מִינָּהּ.

The Gemara rejects the proof: **According to your reasoning, say** that there is an inference from **the latter clause** of the mishna: **It is** the wine in the vessel **into which he poured that** is **forbidden** due to the forbidden remnant of wine in the funnel, **but** by inference, the stream of wine **between** the two vessels **is permitted,** contrary to the conclusion from the previous clause. **Rather, no** inference **is to be learned from this** mishna.

תָּא שְׁמַע: הַמְעָרֶה מֵחָבִית לְבוֹר, קִילּוּחַ הַיּוֹרֵד מִשְּׂפַת חָבִית לְמַטָּה – אָסוּר! תִּרְגְּמָהּ רַב שֵׁשֶׁת: בְּגוּי הַמְעָרֶה, דְּאָתֵי מִכֹּחוֹ.

The Gemara suggests: **Come** and **hear** another proof from a *baraita*: In the case of **one who pours** wine **from a barrel into** a wine **cistern** containing forbidden wine, the **stream** of wine **coming from the rim of the barrel downward** is rendered **forbidden.** Evidently, a stream constitutes a connection. **Rav Sheshet interpreted** this *baraita* as referring **to a gentile pouring**[H] the wine from the barrel into the cistern, and the wine streaming out of the barrel is rendered forbidden **because it came from** the gentile's **force,** i.e., the stream was powered by the gentile's action. If a gentile moves wine, the wine is forbidden, even if the gentile did not touch it. The stream is not rendered forbidden by virtue of its connection to the wine in the cistern.

אִי גּוּי הַמְעָרֶה, אֲפִילּוּ גּוּפָא דְּחָבִיתָא נַמִי מִתְסַר! כֹּחַ דְּגוּי מִדְּרַבָּנַן הוּא דַּאֲסִיר, הַהוּא דְּנָפַק לְבָרַאי – גָּזְרוּ בֵּיהּ רַבָּנַן, הַהוּא דְּלָגַּאי – לָא גָּזְרוּ בֵּיהּ רַבָּנַן.

The Gemara raises an objection to this interpretation: **If** the reference is to **a gentile who pours** the wine, **even** the wine **inside the barrel is rendered forbidden,** because the gentile is also powering the movement of the barrel itself. The Gemara responds to this objection: The *halakha* that **a gentile's force renders** wine **forbidden** is **by rabbinic law.** With regard to the wine **that** is poured **out** of the barrel, **the Sages decreed** that **it** is forbidden; but with regard to the wine **that** remains **inside** the barrel, **the Sages did not decree** that it is forbidden.

NOTES

Where the wine in the gentile's jug rose and reached the funnel – שֶׁפְּחָסַתּוּ צְלוֹחִיתוֹ: Rashi explains that according to Rabbi Ḥiyya, this condition should be added to the statement of the mishna. In other words, when the mishna rules that in a case where a Jew took a funnel and measured wine into a gentile's jug, and then measured wine with the same funnel into a Jew's jug, if there is a remnant of wine left in the funnel, the wine measured into the Jew's jug is forbidden, and this applies only when the gentile's wine rose and reached the funnel. In addition, this stringency applies only when the wine in the jug rose to the level where the funnel descended, low enough that the wine inside of the funnel was directly touching the wine inside the jug, and it was not merely connected through the stream. *Tosafot* indicate that Rabbi Ḥiyya teaches the mishna with the phrase: The wine in the gentile's jug rose and reached the funnel, instead of the phrase: There is a remnant of wine left in the funnel (see Maharam).

HALAKHA

As referring to a gentile pouring – בְּגוּי הַמְעָרֶה: If a gentile tilted a vessel of wine to the point where wine flows out of it, even if he did not shake it, it is prohibited to drink the wine. The Rambam apparently maintains that it is prohibited to derive benefit from it as well (*Kesef Mishne*). The wine that remains in the vessel is forbidden because the wine that flowed out is connected by a stream to the remaining wine, though according to the Rema it is not forbidden. This is in accordance with the *baraita* and the statement of Rav Sheshet (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:2; *Shulḥan Arukh*, *Yoreh De'a* 125:1).

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אָמַר לְהוּ רַב חִסְדָּא לְהָנְהוּ סָבֵיתָא: כִּי כָּיְילִיתוּ חַמְרָא לְגוֹיִם – קְטוֹפֵי קְטוֹפֵי, אִי נַמִי נַפְּצֵי נַפּוּצֵי. אֲמַר לְהוּ רָבָא לְהָנְהוּ שְׁפוּכָאֵי: כִּי שָׁפְכִיתוּ חַמְרָא, לָא לִיקָרֵב גּוֹי לְסַיֵּיעַ בַּהֲדַיְיכוּ, דִּלְמָא מְשַׁתְּלִיתוּ וְשָׁדֵיתוּ לֵיהּ עֲלֵיהּ, וְקָאָתֵי מִכֹּחוֹ וַאֲסִיר.

The Gemara relates accounts of how the Sages ruled concerning this matter: **Rav Ḥisda said to certain wine retailers: When you measure wine for gentiles, pour with interruptions,**[H] rather than in a smooth steady stream, **or toss** it **out** in a single action that does not create a steady stream. **Rava said to certain** wine **pourers:**[N] **When you pour wine, do not let a gentile approach to help you,**[H] **lest you let your guard down and rest** the vessel **in** the gentile's hands,[N] **and** the wine **will emerge due to his force and will be rendered forbidden.**

הַהוּא גַּבְרָא דְּאַסֵּיק חַמְרָא בְּגִישְׁתָּא וּבַת גִּישְׁתָּא, אֲתָא גּוֹי אַנַּח יְדֵיהּ אַגִּישְׁתָּא, אַסְרֵיהּ רָבָא לְכוּלֵּיהּ חַמְרָא.

The Gemara relates: There was an incident involving **a certain man who siphoned wine** from a barrel **with a large tube and a small tube.**[HNB] **A gentile came** and **rested his hand upon the large tube. Rava deemed the entire** quantity of **wine forbidden,** including the wine that was still in the barrel.

אֲמַר לֵיהּ רַב פַּפָּא לְרָבָא, וְאָמְרִי לָהּ רַב אַדָּא בַּר מַתָּנָה לְרָבָא, וְאָמְרִי לָהּ רָבִינָא לְרָבָא: בְּמַאי? בְּנִצּוֹק, שָׁמְעַת מִינָּהּ: נִצּוֹק חִיבּוּר? שָׁאנֵי הָתָם, דִּכוּלֵּי חַמְרָא אַגִּישְׁתָּא וּבַת גִּישְׁתָּא גָּרִיר.

Rav Pappa said to Rava, and some say it was **Rav Adda bar Mattana** who said this **to Rava, and some say** it was **Ravina** who said this **to Rava: By what** mechanism was the wine rendered forbidden? Was it **by** the **stream** of wine that went through the large tube, which was rendered forbidden by the contact of the gentile, and the rest of the barrel was rendered forbidden by the connection with that stream? Should one **conclude from** this ruling that **a stream** constitutes **a connection?** Rava rejects this inference: **It is different there, as all of the wine** in the barrel **is drawn toward the large tube and the small tube,** and so it is as though the gentile had touched all of the wine in the barrel.

HALAKHA

Pour with interruptions, etc. – קְטוֹפֵי קְטוֹפֵי וכו': In a case where a Jew is pouring wine into a vessel containing a gentile's wine, the wine in the vessel being poured from is rendered forbidden by connection due to the stream. If he poured with interruptions and the stream stopped before the wine being poured touched the wine in the receiving vessel, the wine in the first vessel remains permitted, in accordance with the statement of Rav Ḥisda (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:12; *Shulḥan Arukh*, *Yoreh De'a* 126:1).

Do not let a gentile approach to help you – לָא לִיקָרֵב גּוֹי לְסַיֵּיעַ בַּהֲדַיְיכוּ: A Jew should not be assisted by a gentile when he is pouring wine from one vessel into another, lest he rest the vessel completely in the gentile's hands and the wine is poured by the force of the gentile, in accordance with the opinion of Rava. If the gentile assisted him, the wine is permitted after the fact. The *Shulḥan Arukh* rules that even if the gentile assisting the Jew is capable of pouring the wine by himself, if the Jew is an adult the wine is permitted after the fact, but if the Jew is a minor, the wine is forbidden, because the assistance of a minor is not significant (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 13:13; *Shulḥan Arukh*, *Yoreh De'a* 125:3).

With a large tube and a small tube – בְּגִישְׁתָּא וּבַת גִּישְׁתָּא: If a Jew placed the end of a siphon made of metal or glass into his barrel of wine and sucked on it, causing the wine to flow out, and a gentile came and placed his finger on the opening in the siphon, preventing the wine from flowing out, it is prohibited to derive benefit from the wine remaining in the barrel, because it would all have been drawn out if not for the gentile's act. Therefore, all of the wine is in the barrel due to his force. If the siphon was placed in such a way that not all of the wine would have been drawn out, then only the wine up to the point where the siphon reached is rendered forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:11; *Shulḥan Arukh*, *Yoreh De'a* 124:23 and *Shakh* there).

NOTES

Wine pourers – שְׁפוּכָאֵי: Rashi explains that these laborers pour wine from vessel to vessel, whether in order to transfer it into a more convenient vessel for transport or to prevent it from turning rancid. The Rid, citing Rabbeinu Ḥananel, apparently understands that their task was to pour the wine from measuring vessels into barrels.

And rest the vessel in the gentile's hands – וְשָׁדֵיתוּ לֵיהּ עֲלֵיהּ: Being assisted by a gentile in a case where the Jew could pour the wine on his own would not in and of itself render the wine forbidden, but because these wine pourers performed this action regularly they might forget that the one assisting them was a gentile, and the gentile might ultimately be the one pouring the wine with the Jew assisting him.

With a large tube and a small tube – בְּגִישְׁתָּא וּבַת גִּישְׁתָּא: The commentaries explain that this is an instrument consisting of a bent tube, or two tubes connected at an angle, which is used to transfer wine from barrel to barrel. The wine is siphoned by drawing from one end, or, according to a description of a similar implement, by a mouthpiece between the two tubes, after which it continues to flow uninterrupted. The commentaries were in disagreement with regard to the positioning of the large tube and the small tube. Rashi explains that the large tube is the tube through which the wine flows into the empty barrel, and the small tube is the tube placed in the barrel from which the wine is being siphoned. The Ra'avad explains that the tube that stands vertically in the barrel where the wine starts is the large tube, and the other tube, which slopes down, is called the small tube.

BACKGROUND

A large tube and a small tube – גִּישְׁתָּא וּבַת גִּישְׁתָּא: A siphon relies on a mechanism of physics and uses atmospheric pressure and the pull of gravity to move liquid from a higher level to a lower level through a pipe or tube, without the use of a pump. Siphons can force the liquid to travel part of the distance uphill, even to above the height of the upper reservoir. They can be found in nature and are also produced by man and are an effective method of removing impurities from wine during its production. One places the vessel into which the wine is to be transferred below the vessel containing the wine and sets the process in motion by creating a vacuum in the tube, after which the wine will continue to flow on its own. This can be done through suction by mouth.

Top: Diagram illustrating a siphon mechanism

Left: Siphon used to transfer wine between barrels

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אָמַר מָר זוּטְרָא בְּרֵיהּ דְּרַב נַחְמָן: קְנִישְׁקָנִין שָׁרֵי. וְהָנֵי מִילֵּי דְּקָדְמִים פְּסַק יִשְׂרָאֵל, אֲבָל קָדַם פְּסַק גּוֹי – לָא. רַבָּה בַּר רַב הוּנָא אֵיקְלַע לְבֵי רֵישׁ גָּלוּתָא, שְׁרָא לְהוּ לְמִשְׁתָּא בִּקְנִישְׁקָנִין.

Mar Zutra, son of Rav Naḥman, says: For a Jew and a gentile to drink simultaneously from **a vessel with tubes for several people to drink from** [***kenishkanin***][L] **is permitted.**[H] **And this statement** applies only in a case **where** the **Jew stops** drinking **first,**[N] before the gentile; **but** if the **gentile stops** drinking **first,** it does **not** apply and the wine is forbidden, as wine from the gentile's mouth returns to the vessel and renders all of the wine forbidden. **Rabba bar Rav Huna happened** to come **to the house of the Exilarch,** and **he permitted them to drink from a *kenishkanin*** together with gentiles.

HALAKHA

A vessel with tubes for several people to drink from is permitted – קְנִישְׁקָנִין שָׁרֵי: A gentile renders wine forbidden by his contact even with his mouth. For example, if he sipped wine through a straw into his mouth, all of the wine remaining in the vessel is rendered forbidden. Nevertheless, if there is a vessel of wine with several mouthpieces, a Jew may sip from one mouthpiece and a gentile from another, provided the Jew stops sipping before the gentile does. The *Beit Yosef* comments that it is pious behavior not to rely upon this leniency, as there is a concern that perhaps the gentile will stop sipping before the Jew does (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 12:14; *Shulḥan Arukh*, *Yoreh De'a* 124:11).

LANGUAGE

A vessel with tubes for several people to drink from [*kenishkanin*] – קְנִישְׁקָנִין: The *Arukh* and others cite a variant version which reads *kenishkin*, and some have a version that reads *kenishkiz*. The origin of the word is obscure. Some explain that it is from the Greek κανίσκιον, *kaniskion*, which is a kind of a small basket. Although there is some phonetic similarity, there is no semantic connection. Some suggest the Greek κρουνίον, *krounion*, which is a drinking vessel, while others maintain that it is derived from the late Latin canna, meaning drinking vessel.

NOTES

Where the Jew stops drinking first – דְּקָדְמִים פְּסַק יִשְׂרָאֵל: If the gentile stops drinking first then some of the wine he drew through the drinking tube returns to the main vessel and renders all the wine in the vessel forbidden, because it mixes with it or because it moves all of the wine in the vessel (Ra'avad).

Perek **V**
Daf **73** Amud **a**

אִיכָּא דְּאָמְרִי: רַבָּה בַּר רַב הוּנָא גּוּפֵיהּ אִישְׁתֵּי בִּקְנִישְׁקָנִין.

There are those **who say** that **Rabba bar Rav Huna himself drank from a *kenishkanin*.**

מתני' יֵין נֶסֶךְ אָסוּר וְאוֹסֵר בְּכָל שֶׁהוּא. יַיִן בְּיַיִן וּמַיִם בְּמַיִם – בְּכָל שֶׁהוּא. יַיִן בְּמַיִם וּמַיִם בְּיַיִן – בְּנוֹתֵן טַעַם.

MISHNA **Wine** used for **a libation** is **forbidden, and any amount** of it **renders** other wine **forbidden**[H] if they are mixed together. **Wine** used for a libation that became mixed **with wine, or water** that was used for an idolatrous libation that became mixed **with** ordinary **water,** renders the mixture forbidden **with any amount** of the forbidden wine or water; but **wine** used for a libation that became mixed **with water, or water** used for a libation that became mixed **with wine** renders the mixture forbidden only if the forbidden liquid is sufficient **to impart flavor**[BH] to the mixture, i.e., for the wine to flavor the water or for the water to dilute the wine to an extent that can be tasted.

זֶה הַכְּלָל: מִין בְּמִינוֹ – בְּמַשֶּׁהוּ, וְשֶׁלֹּא בְּמִינוֹ – בְּנוֹתֵן טַעַם.

This is the principle: A substance in contact **with** the **same** type of **substance** renders the mixture forbidden **with any amount** of the forbidden substance, **but** a substance in contact **with a different** type of **substance** renders the mixture forbidden only **in** a case where it **imparts flavor** to it.

BACKGROUND

Impart flavor – נוֹתֵן טַעַם: Usually, when forbidden food is mixed with permitted food and the flavor of the forbidden food can no longer be detected, the mixture is permitted. A mixture of this kind may be given to a gentile cook, who tastes it in order to determine whether or not the flavor of the non-kosher ingredients is noticeable. If this is not possible, the mixture is presumed to be kosher if it contains at least sixty times as much permitted as forbidden food, as the Sages assessed that foods do not impart flavor at this ratio.

HALAKHA

Wine for a libation is forbidden and any amount renders other wine forbidden – יַיִן נֶסֶךְ אָסוּר וְאוֹסֵר בְּכָל שֶׁהוּא: In a case where wine was poured as a libation and permitted wine became mixed with it, any amount of the forbidden wine renders the mixture forbidden, even with regard to deriving benefit from it, due to the severity of the prohibition against idol worship. If the forbidden wine was nondescript wine of gentiles, then it is prohibited to drink the mixture, though one may derive benefit from it. The Rema notes that some say that nowadays nondescript wine is nullified in sixty parts to one, and that the custom is to rule leniently in this matter (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:6–7, 16:28–29; *Shulḥan Arukh*, *Yoreh De'a* 134:1–2).

Wine for a libation that became mixed with water…renders the mixture forbidden if it is sufficient to impart flavor – יַיִן בְּמַיִם...בְּנוֹתֵן טַעַם: If forbidden water, e.g., water that was worshipped or offered for idol worship, was mixed with permitted wine, or if wine used for a libation was mixed with water, the mixture is forbidden if the forbidden liquid imparts its flavor to the mixture, in accordance with the ruling of the mishna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:6, 16:30; *Shulḥan Arukh*, *Yoreh De'a* 134:3).

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גמ׳ כִּי אֲתָא רַב דִּימִי אָמַר רַבִּי יוֹחָנָן: הַמְעָרֶה יֵין נֶסֶךְ מֵחָבִית לְבוֹר, אֲפִילּוּ כָּל הַיּוֹם כּוּלּוֹ – רִאשׁוֹן רִאשׁוֹן בָּטֵל.

GEMARA

When Rav Dimi came from Eretz Yisrael to Babylonia, he reported that **Rabbi Yoḥanan says:** In the case of **one who pours wine** used for **a libation from a barrel into** a wine **cistern, even** if he does this **all day long,** the forbidden wine is **nullified little by little**[H] upon contact with the wine in the cistern, and the wine is consequently permitted.

תְּנַן: יֵין נֶסֶךְ אָסוּר וְאוֹסֵר בְּכָל שֶׁהוּא; מַאי לָאו דְּקָא נָפֵיל אִיסּוּרָא לְגַו הֶתֵּירָא? לָא, דְּקָא נָפֵיל הֶתֵּירָא לְגַו אִיסּוּרָא.

The Gemara raises an objection to the *halakha* reported by Rav Dimi from that which **we learned** in the mishna: **Wine** used for **a libation is forbidden, and any amount** of it **renders** other wine **forbidden. What, is it not** referring to a case **where the forbidden substance fell into the permitted substance,** as in the case of Rav Dimi's statement? The Gemara rejects this: **No,** it is referring to a case **where the permitted substance fell into the forbidden substance.**[NH]

תָּא שְׁמַע: יַיִן בְּמַיִם – בְּנוֹתֵן טַעַם; מַאי לָאו דְּקָא נָפֵיל חַמְרָא דְּאִיסּוּרָא לְמַיָּא דְּהֶתֵּירָא? לָא, דְּקָא נָפֵיל חַמְרָא דְּהֶתֵּירָא לְמַיָּא דְּאִיסּוּרָא.

The Gemara suggests: **Come** and **hear** a further objection to the *halakha* reported by Rav Dimi from the continuation of the mishna: **Wine** that became mixed **with water** renders the mixture forbidden if it is sufficient **to impart flavor** to it. **What, is it not** referring to a case **where forbidden wine fell into permitted water,** and contrary to Rav Dimi's statement, the wine is not nullified but instead renders the mixture forbidden the moment there is a sufficient amount of it to impart flavor? The Gemara answers: **No,** it is referring to a case **where permitted wine fell into forbidden water,**[N] and as long as the water influences the flavor of the wine, it is forbidden.

וּמִדְּרֵישָׁא בְּמַיָּא דְּאִיסּוּרָא – סֵיפָא נַמִי בְּמַיָּא דְּאִיסּוּרָא, וְקָתָנֵי סֵיפָא: מַיִם בְּיַיִן – בְּנוֹתֵן טַעַם! אָמַר לָךְ רַב דִּימִי: כּוּלָּהּ מַתְנִיתִין הֶתֵּירָא לְגַו אִיסּוּרָא, וְרֵישָׁא – דְּקָא נָפֵיל חַמְרָא דְּהֶתֵּירָא לְמַיָּא דְּאִיסּוּרָא, סֵיפָא – דְּקָא נָפֵיל מַיָּא דְּהֶתֵּירָא לְחַמְרָא דְּאִיסּוּרָא.

The Gemara challenges: **And from** the fact **that the first clause** is referring **to forbidden water,** by inference, **the latter clause also** dealing **with forbidden water, and the latter clause teaches: Water** that became mixed **with wine** renders the mixture forbidden **in** a case where it **imparts flavor** to it. The Gemara answers that **Rav Dimi** could have **said to you** that **the entire mishna** is dealing with **permitted substances** falling **into forbidden substances, and the first clause** is dealing with a case **where permitted wine fell into forbidden water,** while **the latter clause** is dealing with a case **where permitted water fell into forbidden wine.**

כִּי אֲתָא רַב יִצְחָק בַּר יוֹסֵף אָמַר רַבִּי יוֹחָנָן: הַמְעָרֶה יֵין נֶסֶךְ מִצַּרְצוּר קָטָן לְבוֹר, אֲפִילּוּ כָּל הַיּוֹם כּוּלּוֹ – רִאשׁוֹן רִאשׁוֹן בָּטֵל. וְדַוְקָא צַרְצוּר קָטָן, דְּלָא נָפֵישׁ עַמּוּדֵיהּ, אֲבָל חָבִית דְּנָפֵישׁ עַמּוּדֵיהּ – לָא.

When Rav Yitzḥak bar Yosef came from Eretz Yisrael to Babylonia, he reported that **Rabbi Yoḥanan says:** In the case of **one who pours wine** used for **a libation from a small canteen**[B] **into** a wine **cistern, even** if he did so **all day long,** the forbidden wine is **nullified little by little** in the permitted wine. **And** this applies **specifically** to **a small canteen, whose stream is not significant. But** if one pours wine from **a barrel, whose stream is significant,**[H] this does **not** apply.

NOTES

The permitted substance fell into the forbidden substance – נָפֵיל הֶתֵּירָא לְגַו אִיסּוּרָא: Rashi explains that the principle that a forbidden substance can become nullified little by little applies in the reverse case as well. Therefore, when a permitted substance falls little by little into a forbidden substance, it becomes forbidden even if eventually there will be a much greater volume of the permitted substance. By contrast, the Ramban explains that in general permitted substances are not nullified in forbidden substances, and the statement here is a stringency unique to wine used for a libation in that if permitted wine fell into wine used for a libation and was not at that moment of sufficient volume to nullify the wine used for a libation by a ratio of sixty to one, it is rendered forbidden from that moment. He does agree that in the case of a substance mixed with another substance not of its own type, the forbidden substance is nullified once its flavor is no longer discernible. The Rambam explains that since the forbidden wine is in a fixed location, i.e., the cistern, it does not become nullified when the permitted wine falls into it (see Rashba).

Permitted wine fell into forbidden water – נָפֵיל חַמְרָא דְּהֶתֵּירָא לְמַיָּא דְּאִיסּוּרָא: The water renders the wine forbidden as long as the wine has not negated its flavor, but the water is nullified if its flavor is negated. Rashi explains that this refers to a case where a large volume of wine fell in at once, so the water could not nullify it, because otherwise the wine would have been nullified little by little. By contrast, the Ra'avad explains that in a case where a type of food is mixed with food not of its own type, at the point when the volume of the permitted food is so much greater than that of the forbidden food that the flavor of the forbidden food is no longer noticeable, the mixture will be permitted regardless of the sequence of how the mixture came about (and see Ramban).

BACKGROUND

Canteen – צַרְצוּר: This is a small earthenware vessel, a kind of bottle that was used for holding wine or other liquids. It apparently had a narrow opening and a comb on the upper rim. The opening was covered with an earthenware screen through which the liquid would pour out in a thin stream.

HALAKHA

The forbidden wine is nullified little by little – רִאשׁוֹן רִאשׁוֹן בָּטֵל: If one poured wine used for a libation from a small canteen into a wine cistern, even if he poured all day long, the forbidden wine becomes nullified little by little as it enters the cistern. This applies as well if he poured forbidden water from a small canteen into wine or vice versa. The *Shulḥan Arukh* rules that with regard to wine that became mixed with water, if the volume of the forbidden liquid became so great that it imparted its flavor to the permitted liquid, the mixture is rendered forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:28, 30; *Shulḥan Arukh*, *Yoreh De'a* 134:1, 3, and in the comment of Rema, and see the commentaries there).

The permitted substance fell into the forbidden substance – נָפֵיל הֶתֵּירָא לְגַו אִיסּוּרָא: Wine used for a libation renders a mixture forbidden in any amount when the permitted wine is emptied into the wine used for a libation, even if a large barrel of permitted wine fell onto a drop of wine used for a libation all at once. This ruling is in accordance with the statement of Rav Dimi and Rav Yitzhak's interpretation of the mishna. The Ramban, the Rosh, and the *Tur* maintain that the mixture is rendered forbidden only if the permitted wine fell into the wine used for a libation little by little, and there was not enough permitted wine to nullify the flavor of the forbidden wine. In that case, even if the volume of the permitted wine became greater, the mixture remains forbidden. But if the permitted wine is mixed with the wine used for a libation all at once, and there are sixty parts of the permitted wine to forbidden wine, the wine is permitted, and this opinion may be relied upon in a case of potential monetary loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:28; *Shulḥan Arukh*, *Yoreh De'a* 134:1 and *Shakh* there).

A barrel, whose stream is significant – חָבִית דְּנָפֵישׁ עַמּוּדֵיהּ: If one pours wine from a barrel into a cistern, whether one pours permitted wine into wine used for a libation or one pours wine used for a libation into permitted wine, the entire mixture is forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:28; *Shulḥan Arukh*, *Yoreh De'a* 134:1).

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כִּי אֲתָא רָבִין אָמַר רַבִּי יוֹחָנָן: יֵין נֶסֶךְ שֶׁנָּפַל לְבוֹר וְנָפַל שָׁם קִיתּוֹן שֶׁל מַיִם, רוֹאִין אֶת הַהֶיתֵּר כְּאִילּוּ אֵינוֹ, וְהַשְּׁאָר מַיִם רַבִּין עָלָיו וּמְבַטְּלִין אוֹתוֹ.

§ **When Ravin came**[N] from Eretz Yisrael to Babylonia, he said that **Rabbi Yoḥanan says:** In the case of **wine** used for **a libation that fell into** a wine **cistern, and** where **a pitcher of water** also **fell there, one considers the permitted** wine **as though it is nonexistent,**[H] and it is not rendered forbidden by the wine used for a libation; **and** with regard to **the rest,** i.e., the wine used for a libation, the volume of the **water is greater than** the volume of the wine[N] **and nullifies it.**

כִּי אֲתָא רַב שְׁמוּאֵל בַּר יְהוּדָה אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא שֶׁנָּפַל קִיתּוֹן שֶׁל מַיִם תְּחִלָּה, אֲבָל לֹא נָפַל שָׁם קִיתּוֹן שֶׁל מַיִם תְּחִלָּה – מָצָא מִין אֶת מִינוֹ וְנֵיעוֹר.

When Rav Shmuel bar Yehuda came from Eretz Yisrael he said that **Rabbi Yoḥanan says:** The Sages **taught** this **only** with regard to a case **where** the **pitcher of water fell** in **first, but** if the **pitcher of water did not fall** in **first,** the wine used for a libation **has found its** own **type,** i.e., the wine in the cistern, **and been awakened.** In other words, the wine used for a libation renders the wine in the cistern forbidden, causing the volume of the wine that is forbidden to become larger, and the water that subsequently falls in is not sufficient to nullify all of the wine.

אִיכָּא דְּמַתְנֵי לָהּ אַמַּתְנִיתִין: יַיִן בְּיַיִן – כָּל שֶׁהוּא. אָמַר רַב שְׁמוּאֵל בַּר יְהוּדָה אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא שֶׁלֹּא נָפַל שָׁם קִיתּוֹן שֶׁל מַיִם, אֲבָל נָפַל שָׁם קִיתּוֹן שֶׁל מַיִם – רוֹאִין אֶת הַהֶיתֵּר כְּאִילּוּ אֵינוֹ, וְהַשְּׁאָר מַיִם רַבִּין עָלָיו וּמְבַטְּלִין אוֹתוֹ.

The Gemara comments: **There are those who teach this** *halakha* **with regard to the mishna,** which states that **wine** used for a libation that became mixed **with** permitted **wine** renders it forbidden with **any amount. Rav Shmuel bar Yehuda says** that **Rabbi Yoḥanan says:** The mishna **taught** this **only** with regard to a case **where a pitcher of water did not** also **fall** into the permitted wine; **but** if **a pitcher of water fell there, one considers the permitted** wine **as though it is nonexistent,** and it is not rendered forbidden by the wine used for a libation, **and** with regard to **the rest,** i.e., the wine used for a libation, the volume of the **water is greater than** the volume of the wine **and nullifies it.**

מַאי אִיכָּא בֵּין לְדְמַתְנֵי לָהּ אַמַּתְנִיתִין בֵּין לְדְמַתְנֵי לָהּ אַדְּרַבִּין? מַאן דְּמַתְנֵי לָהּ אַמַּתְנִיתִין לָא בָּעֵי תְּחִלָּה, וּמַאן דְּמַתְנֵי לָהּ אַדְּרַבִּין בָּעֵי תְּחִלָּה.

The Gemara asks: **What** difference **is there between** the one **who teaches** this **about the mishna and** the one **who teaches it about** the statement **of Ravin?** The Gemara explains: **The one who teaches it about the mishna does not need** for the pitcher of water to have fallen in **first;** in any event the water nullifies the forbidden wine. **But the one who teaches it about** the statement **of Ravin** adds to Ravin's statement, and so he **needs** the pitcher of water to have fallen in **first.**

אִיתְּמַר: יַיִן נֶסֶךְ שֶׁנָּפַל לְבוֹר וְנָפַל שָׁם קִיתּוֹן שֶׁל מַיִם,

§ **It was stated** that in a case of **wine** used for **a libation that fell into** a wine **cistern, and** where **a pitcher of water** also **fell there,**

Perek **V**
Daf **73** Amud **b**

אָמַר חִזְקִיָּה: הִגְדִּילוּ בְּאִיסּוּר – אָסוּר, הִגְדִּילוּ בְּהֶיתֵּר – מוּתָּר;

Ḥizkiyya says: If the volume of the water and the wine **was increased by** the **forbidden** wine, i.e., the forbidden wine fell in last, the mixture is **forbidden,** because the forbidden wine renders the permitted wine forbidden by the principle of a substance in contact with the same type of substance, and the water does not nullify the forbidden wine. But if the volume of the water and the forbidden wine **was increased by** the **permitted** wine, i.e., there was a mixture of wine used for a libation and water, and the wine used for a libation was nullified by the water and then permitted wine fell into the mixture, in such a case the permitted wine is not rendered forbidden by the forbidden wine that had already been nullified, and so the entire mixture is **permitted.**

וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ הִגְדִּילוּ בְּאִיסּוּר – מוּתָּר.

And Rabbi Yoḥanan says: Even if the volume of the permitted wine and the water **was increased by** the **forbidden** wine, the mixture is **permitted.**

אֲמַר לֵיהּ רַבִּי יִרְמְיָה לְרַבִּי זֵירָא: לֵימָא, חִזְקִיָּה וְרַבִּי יוֹחָנָן בִּפְלוּגְתָּא דְּרַבִּי אֱלִיעֶזֶר וְרַבָּנַן קָמִיפַּלְגִי;

Rabbi Yirmeya said to Rabbi Zeira: Shall we say that **Ḥizkiyya**[N] **and Rabbi Yoḥanan disagree with regard to** the issue that is the subject of **the dispute between Rabbi Eliezer and the Rabbis?**

NOTES

When Ravin came, etc. – כִּי אֲתָא רָבִין וכו': Several interpretations of the statement of Ravin have been suggested. Rashi explains that Ravin holds that Rabbi Yoḥanan's opinion does not accord with either of the statements reported in his name by Rav Dimi and Rav Yitzḥak bar Yosef. Rather, he holds that wine used for a libation does not become nullified in permitted wine in any circumstance; it becomes nullified only when mixed with water. Accordingly, he would explain the mishna in a straightforward manner, not distinguishing between cases where forbidden wine fell into permitted wine or vice versa. The Ramban explains that Ravin is not addressing the case of the mishna at all but is discussing only a case of a threefold mixture containing forbidden wine, permitted wine, and water.

The volume of the water is greater than the volume of the wine – מַיִם רַבִּין עָלָיו: This refers to a situation where the jug contained a sufficient quantity of water to nullify the wine's flavor (Ra'avad).

HALAKHA

One considers the permitted wine as though it is nonexistent, etc. – רוֹאִין אֶת הַהֶיתֵּר כְּאִילּוּ אֵינוֹ וכו': If a pitcher of water fell into a cistern containing permitted wine, and subsequently wine used for a libation fell into it, the permitted wine is considered as though it were not present, and the volume of water and wine used for a libation are assessed while disregarding the permitted wine. If the volume of water there would nullify the flavor of the wine used for a libation, then the mixture is permitted, in accordance with the statement of Ravin and the first formulation in the Gemara. The *Shulḥan Arukh* rules that in a case where nondescript wine of gentiles was mixed with permitted wine, even if a pitcher of water then fell into it, if the water is sufficient to nullify the flavor of the forbidden wine, the mixture is permitted, in accordance with the second formulation of Rav Shmuel bar Yehuda This is because with regard to rabbinic prohibitions the *halakha* follows the lenient opinion (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 16:31; *Shulḥan Arukh, Yoreh De'a* 134:4).

NOTES

Shall we say that Ḥizkiyya – לֵימָא חִזְקִיָּה: The basis of the dispute between Ḥizkiyya and Rabbi Yoḥanan was not clear to Rabbi Yirmeya, who thought their dispute was whether or not the *halakha* is determined by which substance fell in last.

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דְּתָנַן: שְׁאוֹר שֶׁל חוּלִּין וְשֶׁל תְּרוּמָה שֶׁנָּפְלוּ לְתוֹךְ הָעִיסָּה, לֹא בְּזֶה כְּדֵי לְחַמֵּץ וְלֹא בְּזֶה כְּדֵי לְחַמֵּץ, וְנִצְטָרְפוּ וְחִמְּצוּ.

As we learned in a mishna (*Orla* 2:11): In the case of **non-sacred leaven and *teruma*** leaven **that fell into** a non-sacred **batch of dough,** and **neither is this one** alone potent enough **to cause** the dough **to become leavened, nor is that one** alone potent enough **to cause** the dough **to become leavened, and they combined and caused** the dough **to become leavened,** there is a dispute as to whether this dough has the status of *teruma*, and is therefore forbidden to non-priests, or non-sacred bread.

רַבִּי אֱלִיעֶזֶר אוֹמֵר: אַחַר אַחֲרוֹן אֲנִי בָּא, וַחֲכָמִים אוֹמְרִים: בֵּין שֶׁנָּפַל אִיסּוּר בַּתְּחִלָּה וּבֵין בַּסּוֹף, אֵינוֹ אָסוּר עַד שֶׁיְּהֵא בּוֹ כְּדֵי לְהַחְמִיץ.

Rabbi Eliezer says: I follow the final element that fell into the dough. If the *teruma* fell in last, the dough is forbidden to non-priests. **And the Rabbis say: Whether** the **forbidden item,** i.e., the *teruma*, **fell** in **first or whether** it fell in **last,** the dough **is not forbidden unless there is enough of** the forbidden leaven alone **to cause** the dough **to become leavened.** Apparently, Ḥizkiyya holds in accordance with the opinion of Rabbi Eliezer that if the forbidden substance is mixed in last, the mixture is rendered forbidden, and Rabbi Yoḥanan holds in accordance with the opinion of the Rabbis that if the amount of the forbidden substance is not sufficient in and of itself to render the mixture forbidden, the mixture is permitted.

וְתִסְבְּרָא? וְהָאָמַר אַבַּיֵי: לֹא שָׁנוּ אֶלָּא שֶׁקָּדַם וְסִילֵּק אֶת הָאִיסּוּר, אֲבָל לֹא קָדַם וְסִילֵּק אֶת הָאִיסּוּר – אָסוּר; חִזְקִיָּה דְּאָמַר כְּמַאן?

The Gemara responds: **And** how can **you understand** that this is the same dispute? **But doesn't Abaye say:** Rabbi Eliezer **taught** that the mixture is permitted when the permitted leaven fell in last **only** in a case **when one first removed the forbidden** leaven before the permitted leaven fell into the dough and made it rise. **But** if **one did not first remove the forbidden** leaven, the dough is **forbidden** even if the permitted leaven fell in last. According to Abaye's interpretation, **in accordance with whose** opinion **does Ḥizkiyya state his ruling** with regard to a mixture of forbidden wine, permitted wine, and permitted water, that if the forbidden wine was mixed in last the mixture is forbidden? According to the Rabbis the mixture should be permitted in any event, as there is not enough forbidden wine to render the mixture forbidden, and according to Rabbi Eliezer, even if the permitted wine was mixed in last the mixture should be forbidden, as the forbidden wine was not removed.

אֶלָּא, הָכָא בִּרְואִין קָמִיפַּלְגִי, לְחִזְקִיָּה לֵית לֵיהּ רוֹאִין, לְרַבִּי יוֹחָנָן אִית לֵיהּ.

Rather, here Ḥizkiyya and Rabbi Yoḥanan **disagree concerning** the principle that with regard to a mixture of a forbidden substance and a permitted substance of the same type, and a permitted substance of a different type, **one considers** the permitted substance of the same type as though it were nonexistent so that the substance of the other type can nullify the forbidden substance. **Ḥizkiyya is not of** the opinion that **one considers** it as though it were nonexistent, whereas **Rabbi Yoḥanan is of** the opinion that one considers it as though it were nonexistent, and so he maintains that in any event the water nullifies the forbidden wine, and the permitted wine in the mixture is disregarded.

וּמִי אִית לֵיהּ לְרַבִּי יוֹחָנָן רוֹאִין? וְהָא בָּעֵי מִינֵּיהּ רַבִּי אַסִּי מֵרַבִּי יוֹחָנָן: שְׁנֵי כוֹסוֹת, אֶחָד שֶׁל חוּלִּין וְאֶחָד שֶׁל תְּרוּמָה, וּמְזָגָן וְעֵירְבָן זֶה בְּזֶה, מַהוּ? וְלָא פְּשַׁט לֵיהּ!

The Gemara asks: **And is Rabbi Yoḥanan of** the opinion that **one considers** the permitted substance of the same type as though it were nonexistent? **But didn't Rabbi Asi ask Rabbi Yoḥanan** the following question: If one had **two cups**[H] of wine, **one non-sacred and one of *teruma*, and he diluted them** with water **and mixed them together,** and there is sufficient water in each of the cups to nullify the *teruma* wine, **what is** the *halakha*? Is the non-sacred wine, which is the same type of substance as the *teruma* wine, considered to be nonexistent, and the water in the mixture nullifies the *teruma* wine, or does the *teruma* wine render the non-sacred wine forbidden, and the water in both cups is insufficient to nullify the combined wine? **And** Rabbi Yoḥanan **did not resolve** the dilemma **for him,** indicating that he did not have a set opinion on the matter.

HALAKHA

Two cups – שְׁנֵי כוֹסוֹת: If one had two cups of wine, one non-sacred and one of *teruma*, and he diluted them with water and mixed them together, one considers the non-sacred wine as if it were not present and views the mixture as though the *teruma* wine were mixed only with water, which is not its own type. Therefore, if the volume of the water is sufficient to nullify the flavor of the *teruma* wine, the entire mixture is permitted for non-priests (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 15:17).

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מֵעִיקָּרָא לָא פְּשַׁט לֵיהּ, לְבַסּוֹף פְּשַׁט לֵיהּ. אִתְּמַר נַמִּי: אָמַר רַבִּי אַמִּי אָמַר רַבִּי יוֹחָנָן, וְאָמְרִי לָהּ אָמַר רַבִּי אַסִּי אָמַר רַבִּי יוֹחָנָן: שְׁנֵי כוֹסוֹת, אֶחָד שֶׁל חוּלִּין וְאֶחָד שֶׁל תְּרוּמָה, וּמָזְגָן וְעֵירְבָן זֶה בְּזֶה – רוֹאִין אֶת הַהֶיתֵּר כְּאִילּוּ אֵינוֹ, וְהַשְּׁאָר מַיִם רָבִין עָלָיו וּמְבַטְּלִין אוֹתוֹ.

The Gemara answers: **Initially he did not resolve** the dilemma **for him,** but **ultimately he resolved for him** that the permitted substance of the same type is considered as though it were nonexistent. It **was also stated** that this was Rabbi Yoḥanan's ultimate opinion, as **Rabbi Ami says** that **Rabbi Yoḥanan says, and some say** that it is **Rabbi Asi** who **says** that **Rabbi Yoḥanan says:** If one had **two cups** of wine, **one non-sacred and one of *teruma*, and he diluted them** with water **and mixed them together,** and there is sufficient water in each of the cups to nullify the *teruma* wine, **one considers the permitted** wine **as though it were nonexistent, and** as for **the rest,** the *teruma* wine, the volume of the **water is greater than** the volume of the wine **and nullifies it.**

״זֶה הַכְּלָל: מִין בְּמִינוֹ – בְּמַשֶּׁהוּ, שֶׁלֹּא בְּמִינוֹ – בְּנוֹתֵן טַעַם״.

§ The mishna states that **this is the principle: A substance** in contact **with** the **same** type of **substance** renders the mixture forbidden **with any amount** of the forbidden substance, **but** a substance in contact **with a different** type of **substance** renders the mixture forbidden only **in** a case where it **imparts flavor** to it.

רַב וּשְׁמוּאֵל דְּאָמְרִי תַּרְוַיְיהוּ: כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה, בְּמִינָן – בְּמַשֶּׁהוּ, שֶׁלֹּא בְּמִינָן – בְּנוֹתֵן טַעַם;

The Gemara presents an amoraic dispute with regard to this principle: **Rav and Shmuel both say:** With regard to **any** food **forbidden by the Torah**[H] that becomes mixed with permitted food, if the permitted food is **of** its own **type,** then even **any amount** of the forbidden substance renders the entire mixture forbidden. If the forbidden food is mixed **with another type** of substance, then the mixture becomes forbidden only **in** a case where there is enough of the forbidden food to **impart flavor** to the mixture.

״זֶה הַכְּלָל״ לְאַתּוּיֵי מַאי? לְאַתּוּיֵי כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה.

According to Rav and Shmuel, **what is added** by the statement in the mishna: **This is the principle,** etc.? This is stated **to include any** food **forbidden by the Torah,** and not only wine used for a libation.

רַבִּי יוֹחָנָן וְרֵישׁ לָקִישׁ דְּאָמְרִי תַּרְוַיְיהוּ: כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה, בֵּין בְּמִינָן בֵּין שֶׁלֹּא בְּמִינָן – בְּנוֹתֵן טַעַם, חוּץ מִטֶּבֶל וְיֵין נֶסֶךְ, בְּמִינָן – בְּמַשֶּׁהוּ, וְשֶׁלֹּא בְּמִינָן – בְּנוֹתֵן טַעַם; וְ״זֶה הַכְּלָל״ – לְאַתּוּיֵי טֶבֶל.

Rabbi Yoḥanan and Reish Lakish both say: With regard to **any** food **forbidden by the Torah** that falls into a mixture, **whether of its** own **type** of food **or another type** of food, the mixture is forbidden **in** a case where there is enough of the forbidden item to **impart flavor** to the mixture. This is the *halakha* **except for** the cases of **untithed produce**[B] **and wine** used for **a libation,** which render a mixture **with their** own **type** of food forbidden **in** a case where **any amount** of the forbidden food was mixed with the permitted food; **but** if they are mixed **with another type** of substance, the mixture is forbidden only **in** a case where it **imparts flavor** to it. **And** according to this opinion, the statement in the mishna: **This is the principle,** etc., is stated **to include** the case of **untithed produce,** which is not mentioned in the mishna explicitly.

HALAKHA

Any food forbidden by the Torah, etc. – כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה וכו׳: With regard to any substance forbidden by the Torah, if it became mixed with a permitted substance, the *halakha* is as follows: If the permitted substance was not of the same type as the forbidden substance, the forbidden substance renders the mixture forbidden only if it is of sufficient volume to impart its flavor to the mixture. If the forbidden substance and the permitted substance are of the same type, since the flavor of the forbidden substance cannot be discerned in any case, it is nullified if it is less than one part in sixty, or in some cases less than one part in one hundred or two hundred. One exception is wine used for a libation, due to of severity of the prohibition on idol worship. Another is untithed produce. In those cases, if the forbidden and permitted substances are of the same type, the mixture is forbidden when any amount of the forbidden substance is present. If they are not, the mixture is forbidden only if the forbidden substance imparts flavor to the mixture, as the *halakha* is in accordance with the opinion of Rabbi Yoḥanan when he disagrees with Rav and Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:6; *Shulḥan Arukh*, *Yoreh De'a* 98:1).

BACKGROUND

Untithed produce – טֶבֶל: This term describes produce from which *teruma* and tithes have not been separated. The Torah prohibits the consumption of untithed produce. One who eats untithed produce is punished by death at the hand of Heaven. However, if the tithes have been separated, even though they have not yet been given to those for whom they are designated, the produce no longer has the status of untithed produce and may be eaten.

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תַּנְיָא כְּוָותֵיהּ דְּרַב וּשְׁמוּאֵל, תַּנְיָא כְּוָותֵיהּ דְּרַבִּי יוֹחָנָן וְרֵישׁ לָקִישׁ.

It is taught in a *baraita* **in accordance with** the opinion **of Rav and Shmuel,** and **it is taught** in another *baraita* **in accordance with** the opinion **of Rabbi Yoḥanan and Reish Lakish.**

תַּנְיָא כְּוָותֵיהּ דְּרַב וּשְׁמוּאֵל: כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה, בִּמְינָן – בְּמַשֶּׁהוּ, שֶׁלֹּא בְּמִינָן – בְּנוֹתֵן טַעַם.

The Gemara elaborates: **It is taught** in a *baraita* **in accordance with** the opinion **of Rav and Shmuel:** With regard to **any** food **forbidden by the Torah** that becomes mixed with a permitted food, **in** a case where the permitted food is of **its** own **type,** then even **any amount** of the forbidden substance renders the entire mixture forbidden. But in a case where the forbidden food was mixed **with another type** of substance, then the mixture becomes forbidden only **in** a case where there is enough of the forbidden item to **impart flavor** to the mixture.

תַּנְיָא כְּוָותֵיהּ דְּרַבִּי יוֹחָנָן וְרֵישׁ לָקִישׁ: כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה, בֵּין בְּמִינָן בֵּין שֶׁלֹּא בְּמִינָן – בְּנוֹתֵן טַעַם, חוּץ מִטֶּבֶל וְיֵין נֶסֶךְ, בְּמִינָן – בְּמַשֶּׁהוּ, שֶׁלֹּא בְּמִינָן – בְּנוֹתֵן טַעַם.

It is taught in another *baraita* **in accordance with** the opinion **of Rabbi Yoḥanan and Reish Lakish:** With regard to **any** food **forbidden by the Torah** that falls into a mixture, **whether of its** own **type** of food **or another type** of food, the mixture is forbidden **in** a case where there is enough of the forbidden food to **impart flavor** to the mixture. This is the *halakha* **except for** the cases of **untithed produce and wine** used for **a libation,** which render a mixture **with their** own **type** of food forbidden **in** a case where **any amount** of the forbidden food was mixed with the permitted food; but if they are mixed **with another type** of substance, the mixture is forbidden only **in** a case where they **impart flavor** to it.

בִּשְׁלָמָא יֵין נֶסֶךְ, מִשּׁוּם חוּמְרָא דַּעֲבוֹדָה זָרָה, אֶלָּא טֶבֶל מַאי טַעְמָא?

The Gemara asks: According to the opinion of Rabbi Yoḥanan and Reish Lakish, why are untithed produce and wine used for a libation treated more stringently than other forbidden foods? **Granted, wine** used for **a libation** is treated stringently **due to the severity of idol worship, but** with regard to **untithed produce, what is the reason** that any amount of it that is mixed with permitted food of its own type renders the mixture forbidden?

כְּהֶיתֵּירוֹ כָּךְ אִיסּוּרוֹ, דְּאָמַר שְׁמוּאֵל: חִטָּה אַחַת פּוֹטֶרֶת אֶת הַכְּרִי; וְתַנְיָא נַמִּי הָכִי, בַּמֶּה אָמְרוּ: טֶבֶל אוֹסֵר בְּכָל שֶׁהוּא? בְּמִינוֹ, שֶׁלֹּא בְּמִינוֹ – בְּנוֹתֵן טַעַם.

The Gemara answers: Just **as** it assumes **its permitted** status, **so** it assumes **its forbidden** status, **as Shmuel says:** Even **one grain of wheat** given as *teruma* **exempts**[H] **the** entire **heap** of grain from the obligation of *teruma*. Since any amount of *teruma* given renders the entire heap of produce permitted, any amount of untithed produce also renders the entire mixture forbidden. **And this is also taught** in a *baraita*:[N] **With regard to what** situation **did** the Sages **say** that **any amount** of **untithed produce renders** a mixture **forbidden?** It is with regard to untithed produce that becomes mixed **with its** own **type,** but with regard to untithed produce that becomes mixed **with another type,** the mixture is forbidden only **in** a case where the untithed produce **imparts flavor** to it.

HALAKHA

One grain of wheat given as *teruma* exempts – חִטָּה אַחַת פּוֹטֶרֶת וכו׳: By Torah law, there is no set amount that one must separate as *teruma*, and separating even a single grain of wheat discharges one's obligation for an entire heap. One should separate the measure set by the Sages, i.e., between one-fortieth and one-sixtieth of the produce, *ab initio*. Nowadays, when *teruma* is burned and not consumed by a priest, any amount may be separated even *ab initio* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 3:1; *Shulḥan Arukh*, *Yoreh De'a* 331:19).

NOTES

This is also taught [*tanya*] in a *baraita* – תַּנְיָא נַמִּי הָכִי: The Ra'avad explains that this is a reference to a mishna in tractate *Ḥalla* (3:10), but because a *baraita* was cited immediately before this in support of the opinion of Rabbi Yoḥanan and Reish Lakish, the term *tanya*, indicating a *baraita*, was used to introduce this mishna as well. The tannaitic source teaches that *teruma* can be separated only from its own type, and so it is specifically when mixed with its own type that one grain of wheat can render an entire heap forbidden (Rashi).

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מתני׳ אֵלּוּ אֲסוּרִין וְאוֹסְרִין בְּכָל שֶׁהוּ: יֵין נֶסֶךְ, וַעֲבוֹדָה זָרָה, וְעוֹרוֹת לְבוּבִין,

MISHNA

These following items are themselves **forbidden, and any amount** of them **renders** other items with which they become mixed **forbidden: Wine** used for **a libation;**[N] **and** objects of **idol worship;**[HN] **and hides** with a tear opposite the **heart,**[N] indicating the idolatrous practice of sacrificing hearts of live animals.

וְשׁוֹר הַנִּסְקָל, וְעֶגְלָה עֲרוּפָה,

And this *halakha* also applies to **an ox that** has been condemned to be **stoned** (see Exodus 21:28),[H] from which it is prohibited to derive benefit even before its sentence is carried out; **and** it applies to **a heifer whose neck is broken**[N] when a person is found killed in an area between two cities and the murderer is unknown (see Deuteronomy 21:1–9), which is likewise forbidden from the time it is taken down to the river to be killed. In these cases, if the animal becomes mixed in a herd of similar animals, all of the animals in the herd are forbidden.

וְצִיפּוֹרֵי מְצוֹרָע, וּשְׂעַר נָזִיר, וּפֶטֶר חֲמוֹר, וּבָשָׂר בְּחָלָב, וְשָׂעִיר הַמִּשְׁתַּלֵּחַ, וְחוּלִּין שֶׁנִּשְׁחֲטוּ בַּעֲזָרָה – הֲרֵי אֵלּוּ אֲסוּרִין וְאוֹסְרִין בְּכָל שֶׁהוּא.

And this *halakha* also applies to **birds** designated for the purification **of a leper** (Leviticus 14:1–6),[N] **and the** shorn **hair of a nazirite** (Numbers 6:18),[N] **and a firstborn donkey** (Exodus 13:13),[N] **and meat** that was cooked **in milk** (Exodus 23:19),[HN] **and the scapegoat** of Yom Kippur (Leviticus 16:7–10), **and** the meat of **a non-sacred** animal **that was slaughtered in the** Temple **courtyard.** All of **these** are **forbidden** themselves, **and any amount** of them **renders** a mixture **forbidden.**

גמ׳ תַּנָּא מַאי קָחָשִׁיב? אִי דָּבָר שֶׁבִּמְנָיָן קָחָשִׁיב – לֵיתְנֵי נַמֵּי חֲתִיכוֹת נְבֵילָה, אִי אִיפּוּרֵי הֲנָאָה קָא חָשִׁיב – לֵיתְנֵי נַמֵּי חָמֵץ בְּפֶסַח! אֲמַר רַבִּי חִיָּיא בַּר אַבָּא, וְאִיתֵּימָא רַבִּי יִצְחָק נַפָּחָא: הַאי תַּנָּא תַּרְתֵּי אִית לֵיהּ, דָּבָר שֶׁבִּמְנָיָן וְאִיפּוּרֵי הֲנָאָה.

GEMARA

According to **what** criterion **does the *tanna*** who teaches this mishna **reckon** cases? **If he reckons** based on any **item that is counted,**[N] i.e., any item that is significant enough to be considered individually, which therefore cannot be nullified in a mixture even in a very large majority of permitted items, **let him also teach** the case of significant **cuts of an** unslaughtered **animal carcass.**[N] And **if he reckons** based on **items from which** deriving **benefit is prohibited, let him also teach** the case of **leavened bread on Passover. Rabbi Ḥiyya bar Abba said, and some say** it was **Rabbi Yitzḥak Nappaḥa** who said: **This *tanna* has two** criteria. He reckons based on any **item that is** both **counted and from which** deriving **benefit is prohibited.**

HALAKHA

Objects of idol worship – עֲבוֹדָה זָרָה: Any object of idol worship renders forbidden other items with which it is intermingled or mixed. If even one object of idol worship was intermingled in one thousand similar items, they must all be cast into the Dead Sea. Examples of objects to which this *halakha* applies are images dedicated to idol worship that were intermingled with images intended for decoration, a goblet dedicated to idol worship that was intermingled with other goblets, and a hide with a tear opposite the heart that was intermingled with other hides (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:9; *Shulḥan Arukh*, *Yoreh De'a* 140:1).

An ox that has been condemned to be stoned, etc. – שׁוֹר הַנִּסְקָל וכו׳: Any animal is considered significant and is not nullified in a mixture. Therefore, in the case of an ox sentenced to be stoned that was intermingled among one thousand oxen, or a heifer whose neck is to be broken that was intermingled among one thousand heifers, or a bird designated for the purification of a leper that was intermingled among one thousand birds, or a firstborn donkey that was intermingled among one thousand donkeys, all of the animals in the group are rendered forbidden with regard to deriving benefit from them, in accordance with the mishna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:7).

Meat that was cooked in milk – בָּשָׂר בְּחָלָב: A cut of meat cooked in milk or the cut of an unslaughtered animal carcass renders a mixture forbidden in any amount, as it is a piece of meat fit to serve before guests (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:6; *Shulḥan Arukh*, *Yoreh De'a* 101:1–2).

NOTES

Wine used for a libation – יֵין נֶסֶךְ: In this context, the mishna is referring not to wine itself becoming mixed with wine, but to a barrel of wine becoming intermingled with other barrels containing permitted wine. In that case, even if there is only one forbidden barrel among one thousand, it renders all of the barrels forbidden (Rashi).

Objects of idol worship – עֲבוֹדָה זָרָה: According to Rashi, this refers to an image that was worshipped as an idol and was thereby rendered an item from which it is prohibited to derive benefit, which then becomes intermingled with one thousand similar images that were intended for mere decoration and not for idol worship. According to the Ra'avad, this refers to shards of an idolatrous image that was shattered by a Jew, so that their idolatrous status was not revoked.

Hides with a tear opposite the heart – עוֹרוֹת לְבוּבִין: These are the byproducts of idolatrous offerings, and it is prohibited to derive benefit from them (see 29b), but the holes are not readily distinguishable from ordinary holes in hides (Ra'avad).

An ox that has been condemned to be stoned and a heifer whose neck is broken – שׁוֹר הַנִּסְקָל וְעֶגְלָה עֲרוּפָה: From the verse: "And its flesh shall not be eaten" (Exodus 21:28), it is learned that it is prohibited to derive benefit from an ox that has been sentenced to be stoned, not only after the verdict has been carried out but from the moment the verdict has been issued, so that even if it was properly slaughtered it is forbidden (see *Kiddushin* 56b). This applies as well to a heifer whose neck is broken, from which it is prohibited to derive benefit from the moment it is led down to the river, as it is considered consecrated from that point onward (see *Kiddushin* 57a). If the ox or the heifer was intermingled with other animals of the same kind, or if it was slaughtered and a substantial cut of its meat became intermingled with other cuts, the entire mixture is rendered forbidden.

And birds for the purification of a leper – וְצִיפּוֹרֵי מְצוֹרָע: This refers to birds designated to be slaughtered for the purification of a leper. *Tosafot* (*Kiddushin* 57a) infer from the plural term birds, that even the bird that has been designated for sending away is forbidden from the moment of its designation.

And the shorn hair of a nazirite – וּשְׂעַר נָזִיר: When a nazirite undergoes his purification rite, he shaves all of his hair. It is prohibited to derive benefit from that hair, as it is learned from the verse: "He shall be holy, he shall let the locks of the hair of his head grow long" (Numbers 6:5), that his hair is considered consecrated (see *Kiddushin* 57b).

And a firstborn donkey – וּפֶטֶר חֲמוֹר: Rashi explains that this is a firstborn donkey that became intermingled with other donkeys before it was redeemed, and even Rabbi Shimon, who maintains that it is permitted to derive benefit from it, concedes that if it was not redeemed and its neck was broken it is prohibited to derive benefit from it (see *Bekhorot* 9b).

And meat that was cooked in milk – וּבָשָׂר בְּחָלָב: Rashi emphasizes that this is not to say that milk renders meat in which it was cooked forbidden in any amount, since the *mishnayot* in tractate *Ḥullin* clarify that even meat cooked in milk is nullified by one part in sixty. The mishna is discussing a cut of meat that was already rendered forbidden by being cooked in milk, and it teaches that it is not nullified if it is intermingled with kosher cuts of meat.

Item that is counted – דָּבָר שֶׁבִּמְנָיָן: Items that are significant enough to be counted individually, rather than being sold by weight or volume, are not nullified by being intermingled with any number of similar items, unless they disintegrated or became physically assimilated into another item. The Sages disagreed on the question of precisely which items are counted.

Let him also teach significant cuts of an unslaughtered animal carcass – לֵיתְנֵי נַמֵּי חֲתִיכוֹת נְבֵילָה: A significant cut of an animal carcass or the cut of an animal carcass fit to serve before guests is not nullified, as explicated in the mishna in *Ḥullin* (96b).

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HALAKHA

***Perekh* nuts, etc. – אֱגוֹזֵי פֶּרֶךְ וכו':** A significant item mixed with other items of its own type renders the mixture forbidden in any amount. For example, in the cases of nuts with brittle shells and Badan pomegranates of *orla*, if they were intermingled with other fruit of the same type, it is prohibited to derive benefit from the entire mixture (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:3–4; *Shulḥan Arukh*, *Yoreh De'a* 110:1).

The practical *halakha* is that wine that was used for a libation, etc. – הֲלָכָה לְמַעֲשֶׂה יַיִן נָסָךְ וכו': If wine used for a libation is mixed with permitted wine, it is prohibited to derive benefit from any of the wine. If nondescript wine of gentiles was mixed with permitted wine, it is prohibited to drink any of the wine, but it may be sold in its entirety to a gentile, and the money received for the nondescript wine of the gentile must be cast into the Dead Sea. Similarly, if a barrel of wine used for a libation was intermingled among other barrels of wine, it is prohibited to drink any of the wine, but it may be sold in its entirety to a gentile, with the money received for one barrel cast into the Dead Sea (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:29; *Shulḥan Arukh*, *Yoreh De'a* 134:2).

וְלֵיתְנֵי אֱגוֹזֵי פֶּרֶךְ וְרִימּוֹנֵי בָּדָן, דְּדָבָר שֶׁבְּמִנְיָן וְאִיסּוּרֵי הֲנָאָה הוּא!

The Gemara challenges: **But let** the *tanna* **teach** the cases of ***perekh* nuts,**[H] a type of nut that has a brittle shell, **and Badan pomegranates,** pomegranates from Badan; **as** these fruits are considered significant, and when they grow during the first three years after the tree was planted [*orla*], they belong to the category of **items that are counted and from which** deriving **benefit is prohibited.**

הָא תְּנָא לֵיהּ הָתָם: הָרָאוּי לְעָרְלָה – עָרְלָה, הָרָאוּי לְכִלְאֵי הַכֶּרֶם – כִּלְאֵי הַכֶּרֶם.

The Gemara responds: The Mishna **taught that** case **there,** in tractate *Orla* (3:7), where *perekh* nuts and Badan pomegranates are listed among the forbidden items that cannot be nullified in a mixture, and it is stated with regard to such items: **Those** items **to which** the prohibition of ***orla* applies** render the entire mixture forbidden by imparting to it the status of ***orla*,** while **those to which** the prohibition of **diverse kinds** planted **in a vineyard applies** render the mixture forbidden by imparting to it the status of **diverse kinds** planted **in a vineyard.** Therefore, it is unnecessary to mention those cases here.

וְלֵיתְנֵי כִּכָּרוֹת שֶׁל בַּעַל הַבַּיִת לְעִנְיַן חָמֵץ בְּפֶסַח! מַאן שָׁמְעַתְּ דְּאָמַר לָהּ? רַבִּי עֲקִיבָא; הָא תְּנָא לֵיהּ הָתָם: רַבִּי עֲקִיבָא מוֹסִיף אַף כִּכָּרוֹת שֶׁל בַּעַל הַבַּיִת.

The Gemara suggests: **But let** the *tanna* **teach** the case of **loaves of a homeowner,** each of which is unique and significant, **with regard to** the prohibition against deriving benefit from **leavened bread on Passover.** The Gemara explains: **Whom did you hear who says that** such loaves are not nullified in a mixture? This is taught by **Rabbi Akiva,** and **he taught it there** in tractate *Orla* (3:7): **Rabbi Akiva adds** to the list **the loaves of a homeowner.**

"הֲרֵי אֵלּוּ". לְמַעוּטֵי מַאי? לְמַעוּטֵי דָּבָר שֶׁבְּמִנְיָן וְלָאו אִיסּוּרֵי הֲנָאָה. אִי נָמֵי, לְמַעוּטֵי אִיסּוּר הֲנָאָה וְלֹא דָּבָר שֶׁבְּמִנְיָן.

At the end of the mishna here, the *tanna* reiterates the *halakha* stated at its beginning, saying: All of **these** are forbidden themselves, and any amount of them renders a mixture forbidden. The Gemara asks: The purpose of this reiteration is **to exclude what?** The Gemara answers: It serves **to exclude** any **item that is counted but from which** deriving **benefit is not prohibited, or to exclude items from which** deriving **benefit is prohibited but** that **are not counted.**

מתני' יֵין נָסָךְ שֶׁנָּפַל לְבוֹר – כּוּלּוֹ אָסוּר בַּהֲנָאָה; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: יִמָּכֵר כּוּלּוֹ לְגוֹי חוּץ מִדְּמֵי יֵין נָסָךְ שֶׁבּוֹ.

MISHNA In the case of **wine** used for **a libation that fell into** a wine **cistern,** it is **prohibited** to derive **benefit** from **all of** the wine in the cistern, even if the volume of the wine used for a libation was tiny in comparison to the volume of the wine in the cistern. **Rabban Shimon ben Gamliel says: All of the** wine in the cistern **may be sold to a gentile,** and the money paid for it is permitted **except for the value of the wine** used for **a libation** that is included **in it.**

גמ' אָמַר רַב: הֲלָכָה כְּרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל חָבִית בְּחָבִיּוֹת, אֲבָל לֹא יַיִן בְּיַיִן. וּשְׁמוּאֵל אָמַר: אֲפִילּוּ יַיִן בְּיַיִן. וְכֵן אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: אֲפִילּוּ יַיִן בְּיַיִן. וְכֵן אָמַר רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר רַבִּי חֲנִינָא: אֲפִילּוּ יַיִן בְּיַיִן. וְכֵן אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ: אֲפִילּוּ יַיִן בְּיַיִן.

GEMARA **Rav says:** The ***halakha*** is **in accordance with** the opinion of **Rabban Shimon ben Gamliel** in a case where **a barrel** of wine used for a libation became intermingled **with barrels** of permitted wine, **but not** when the **wine** itself became mixed **with** permitted **wine. And Shmuel says: Even** when the **wine** itself became mixed **with** permitted **wine,** the *halakha* is in accordance with the opinion of Rabban Shimon ben Gamliel. **And likewise, Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: Even** when **wine** became mixed **with wine,** the *halakha* is in accordance with the opinion of Rabban Shimon ben Gamliel. **And likewise, Rabbi Shmuel bar Naḥmani says** that **Rabbi Ḥanina says: Even** when **wine** became mixed **with wine,** the *halakha* is in accordance with the opinion of Rabban Shimon ben Gamliel. **And likewise, Rav Naḥman says** that **Rabba bar Avuh says: Even** when **wine** became mixed **with wine,** the *halakha* is in accordance with the opinion of Rabban Shimon ben Gamliel.

אָמַר רַב נַחְמָן, הֲלָכָה לְמַעֲשֶׂה: יַיִן נָסָךְ – יַיִן בְּיַיִן אָסוּר, חָבִית בְּחָבִית – מוּתָּר; סְתָם יַיִן – אֲפִילּוּ יַיִן בְּיַיִן מוּתָּר.

Rav Naḥman says: The **practical *halakha*** is that with regard to **wine** that was actually used for **a libation,**[H] **wine** that became mixed **with wine** renders the entire mixture **forbidden,** but if **a barrel** became intermingled **with barrels** of permitted wine, it is **permitted** to sell the barrels in the manner described by Rabban Shimon ben Gamliel. With regard to **nondescript wine** of gentiles, which is forbidden due to the suspicion that it was used for a libation, **even** if **wine** became mixed **with wine,** it is **permitted** to sell the mixture in the manner described by Rabban Shimon ben Gamliel.

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מתני׳ גַּת שֶׁל אֶבֶן שֶׁזְּפָתָהּ גּוֹי – מְנַגְּבָהּ וְהִיא טְהוֹרָה; וְשֶׁל עֵץ – רַבִּי אוֹמֵר: יְנַגֵּב, וַחֲכָמִים אוֹמְרִים: יְקַלֵּף אֶת הַזֶּפֶת; וְשֶׁל חֶרֶס, אַף עַל פִּי שֶׁקִּלַּף אֶת הַזֶּפֶת – הֲרֵי זוֹ אֲסוּרָה.

MISHNA

In the case of **a stone winepress that a gentile lined with pitch**[H] and then poured wine onto the pitch to neutralize its flavor, **one may cleanse it and it is pure,** i.e., wine pressed in it is permitted. **And** if the winepress is fashioned **of wood,**[HN] **Rabbi** Yehuda HaNasi **says: One may cleanse it, but the Rabbis say: One must peel off the pitch** completely. **And** if the winepress is **of earthenware,**[HN] **even if one peeled off the pitch, this** press **is forbidden.**

גמ׳ אָמַר רָבָא: דַּוְקָא זְפָתָהּ, אֲבָל דָּרַךְ בָּהּ – לֹא. פְּשִׁיטָא, ״זְפָתָהּ״ תְּנַן! מַהוּ דְּתֵימָא: הוֹאִיל הַדִּין אֲפִילּוּ דָּרַךְ בָּהּ, וְהַאי דְּקָתָנֵי ״זְפָתָהּ״ – אוֹרְחָא דְּמִלְּתָא קָתָנֵי, קָא מַשְׁמַע לָן.

GEMARA

Rava says: The requirement to cleanse the winepress applies **specifically** if the gentile **lined it with pitch. But** if he only **trod** on his grapes **in it**[HBN] without lining it with pitch, this is **not** required. The Gemara asks: Isn't this **obvious? We learned** in the mishna that cleansing the winepress is necessary if the gentile **lined it with pitch.** The Gemara responds: **Lest you say** that **the same is true** that it requires cleansing **even** if he **trod** on his grapes **in it, and** the fact **that** the mishna **teaches** a case where he **lined it with pitch** is because the mishna **is teaching the manner** in **which the matter** typically occurs, therefore Rava **teaches us** that this is not the case.

אִיכָּא דְּאָמְרִי, אָמַר רָבָא: דַּוְקָא זְפָתָהּ, אֲבָל דָּרַךְ בָּהּ – לָא סַגִּי לָהּ בִּנְיגּוּבָא. פְּשִׁיטָא, ״זְפָתָהּ״ תְּנַן! מַהוּ דְּתֵימָא: הוֹאִיל הַדִּין דַּאֲפִילּוּ דָּרַךְ בָּהּ, וְהַאי דְּקָתָנֵי ״זְפָתָהּ״ – אוֹרְחָא דְּמִלְּתָא קָתָנֵי, קָא מַשְׁמַע לָן: דַּוְקָא זְפָתָהּ, אֲבָל דָּרַךְ בָּהּ לָא סַגִּי לָהּ בִּנְיגּוּבָא.

There are those **who say** that **Rava says:** Cleansing the winepress is effective **specifically** if the gentile **lined it with pitch. But** if he **trod** on his grapes **in it** as well, **cleansing** it **is not sufficient** to purify the winepress. The Gemara asks: Isn't this **obvious? We learned** in the mishna that cleansing the winepress is sufficient if the gentile **lined it with pitch.** The Gemara responds: **Lest you say** that **the same is true** and **that** cleansing is sufficient **even** if he **trod** on his grapes **in it, and** the fact **that** the mishna **teaches** a case where he **lined it with pitch** is because the mishna **is teaching the manner** in **which the matter** typically occurs, therefore Rava **teaches us** that cleansing the winepress is sufficient **specifically** if **he lined it with pitch, but** if **he trod** on his grapes **in it, cleansing** it **is not sufficient.**[H]

כִּי הַהוּא דַּאֲתָא לְקַמֵּיהּ דְּרַבִּי חִיָּיא, אֲמַר לֵיהּ: הַב לִי גַּבְרָא דְּדָכֵי לִי מַעֲצָרְתָאי. אֲמַר לֵיהּ לְרַב: זִיל בַּהֲדֵיהּ, וַחֲזִי דְּלָא מְצַוַּחַת עֲלַי בֵּי מִדְרָשָׁא. אָזַל חַזְיֵיהּ דַּהֲוָה שְׁיָעָא טְפֵי, אֲמַר: הָא וַדַּאי בִּנְיגּוּבָא סַגִּי לָהּ. בַּהֲדֵי דְּקָא אָזֵיל וְאָתֵי, חֲזָא פִּילָא מְתוּתֵיהּ וַחֲזָא דַּהֲוָה מָלֵא חַמְרָא, אֲמַר: הָא לָא סַגִּי לָהּ בִּנְיגּוּבָא אֶלָּא בְּקִילּוּף, וְהַיְינוּ דַּאֲמַר לִי חֲבִיבִי: חֲזִי דְּלָא מְצַוַּחַת עֲלַי בֵּי מִדְרָשָׁא.

This is **similar to** an incident involving **a certain man who came before Rabbi Ḥiyya** and **said to him: Give me a man who will purify my winepress** that I purchased from a gentile. Rabbi Ḥiyya **said to Rav: Go with him and see** to it **that you** conduct yourself in such a manner that will **not cause** people **to complain against me** in **the study hall.** Rav **went** with him and **saw that** the winepress **was very smooth** with pitch. Rav **said: Cleansing will certainly be sufficient for this,** because it does not absorb the wine. **While** Rav **was going and coming, he saw a crack underneath** his feet **and saw that it was full of wine.** He then **said: Cleansing is not sufficient for this;**[N] **rather,** it requires **peeling. And this is what my uncle** [*ḥavivi*][L] meant when he **said to me: See** to it **that you do not cause** people **to complain against me** in **the study hall.**

HALAKHA

A stone winepress that a gentile lined with pitch, etc. – גַּת שֶׁל אֶבֶן שֶׁזְּפָתָהּ גּוֹי וכו׳: If a gentile lined a stone winepress with pitch and then poured wine over the pitch as part of the process, or if a Jew lined a winepress with pitch and poured wine over it, and a gentile touched the wine while there was enough wine to render an item moist, the winepress requires cleansing, and subsequently it is permitted to tread on grapes there (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:20; *Shulḥan Arukh*, *Yoreh De'a* 138:1).

And if the winepress is of wood, etc. – וְשֶׁל עֵץ וכו׳: In the case of a wooden winepress that was lined with pitch by a gentile, even if he did not tread on grapes there, the pitch must be peeled off and the winepress cleansed, in accordance with the opinion of the Rabbis (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:21; *Shulḥan Arukh*, *Yoreh De'a* 138:1).

And if the winepress is of earthenware – וְשֶׁל חֶרֶס: In a case where an earthenware winepress was lined with pitch by a gentile, who then poured wine on it as part of the process, it is not sufficient to peel the pitch and cleanse the press; rather, it must be filled and washed with water three times, in accordance with the unattributed opinion in the mishna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:22; *Shulḥan Arukh*, *Yoreh De'a* 138:1).

If he only trod on his grapes in it – דָּרַךְ בָּהּ: In a case where a stone or wooden winepress was not lined with pitch and a gentile trod on his grapes there, if it was initially used by a gentile it requires cleansing, in accordance with the ruling of the *baraita*, but if it was initially used by a Jew, rinsing is sufficient, in accordance with the first version of Rava's statement. An unlined earthenware winepress must have water poured over it if it was initially used by a gentile, but if it was used initially by a Jew, cleansing is sufficient (*Shulḥan Arukh*, *Yoreh De'a* 138:1).

If he trod on his grapes in it cleansing it is not sufficient – דָּרַךְ בָּהּ לָא סַגִּי לָהּ בִּנְיגּוּבָא: If the gentile trod on his grapes in a stone or wooden winepress lined with pitch, cleansing is not sufficient; rather, the pitch must be peeled off and then the winepress must be cleansed, in accordance with the second version of Rava's statement. If the winepress was earthenware, peeling the pitch and cleansing the press are not sufficient; rather, one must peel the pitch and fill and pour water over the winepress, or purge it without peeling, or leave it dormant for twelve months, or heat it in a furnace to loosen the pitch (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:21; *Shulḥan Arukh*, *Yoreh De'a* 138:1 and *Beur HaGra* there).

BACKGROUND

Trod on his grapes in it – דָּרַךְ בָּהּ:

Ancient Roman relief of men treading on grapes in a winepress

NOTES

Of wood – שֶׁל עֵץ: Rashi explains that a wooden winepress needs a thicker layer of pitch, which absorbs more wine, and therefore the Sages do not consider cleansing it to be sufficient, whereas a stone winepress requires a thinner layer, which does not absorb as much wine (Rashba). The Rid explains that since the wooden utensils have their own natural dampness, they cause the pitch to be more absorbent, so that it is more difficult to purge the wine from it. By contrast, the Ra'avad explains that as the wooden utensils have their own natural dampness, the pitch does not spread evenly upon them. Therefore, when the wine is poured over them after they have been lined with pitch, presumably some of the wine seeps in between the pitch and the press and accumulates upon the press itself. It is therefore necessary to peel the pitch and cleanse the press itself.

Of earthenware – שֶׁל חֶרֶס: The earthenware itself absorbs the wine. The Sages stated that what is absorbed by earthenware cannot be purged from it, except by special methods, as the Gemara will explain.

Trod on his grapes in it – דָּרַךְ בָּהּ: Rashi explains that this refers to a winepress that was not lined with pitch. In that case, treading on the grapes does not cause the press to absorb the wine used for a libation. Therefore, it does not require cleansing, and merely rinsing it is sufficient.

Cleansing is not sufficient for this – הָא לָא סַגִּי לָהּ בִּנְיגּוּבָא: Rav realized that the gentile from whom the press had been purchased had trodden on his grapes there, so that a quantity of wine had accumulated beneath the layer of pitch (Ra'avad).

LANGUAGE

My uncle [*ḥavivi*] – חֲבִיבִי: The primary meaning of *ḥaviv* is beloved. It took on the secondary meaning of uncle, as it became synonymous with the word *dod*, which also has two meanings, beloved and uncle. Some Aramaic translations of the Torah translate *dod* and *doda*, uncle and aunt respectively, as *ḥavivei* and *ḥavivatei*.

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תָּנוּ רַבָּנַן: הַגַּת וְהַמַּחַץ וְהַמַּשְׁפֵּךְ שֶׁל גּוֹיִם – רַבִּי מַתִּיר בְּנִיגּוּב, וַחֲכָמִים אוֹסְרִין. וּמוֹדֶה רַבִּי בְּקַנְקַנִּים שֶׁל גּוֹיִם שֶׁהֵן אֲסוּרִין; וּמָה הֶפְרֵשׁ בֵּין זֶה לָזֶה? זֶה מַכְנִיסוֹ בְּקִיּוּם וְזֶה אֵין מַכְנִיסוֹ בְּקִיּוּם; וְשֶׁל עֵץ וְשֶׁל אֶבֶן – יְנֻגַּב, וְאִם הָיוּ מְזוּפָּפִין – אֲסוּרִין.

The Sages taught: With regard to **the winepress and** its utensils,[N] **the ladle**[B] **and the funnel,**[H] **which belong to gentiles, Rabbi** Yehuda HaNasi **permits** them **by cleansing, and the Rabbis deem** them **forbidden. And Rabbi** Yehuda HaNasi **concedes with regard to** earthenware **jugs belonging to gentiles**[H] **that they are forbidden. And what is the difference between this** case **and that** case? **This** jug **contains** the wine **for storage** purposes, **and that** case, involving a ladle and a funnel, involves utensils that **do not contain it for storage** purposes but only temporarily. **And** if the winepress or its utensils are fashioned **of wood or stone,** one **must cleanse** them, **but if they were lined with pitch, they are forbidden,** and cleansing is not sufficient to render them permitted.

וְהָתְנַן: גַּת שֶׁל אֶבֶן שֶׁזִּפְּתָהּ גּוֹי – מְנַגְּבָהּ וְהִיא טְהוֹרָה! מַתְנִיתִין – דְּלָא דָּרַךְ בָּהּ, בְּרֵייתָא – דְּדָרַךְ בָּהּ.

The Gemara raises an objection to the last clause of the *baraita*: **But didn't we learn** in the mishna that in the case of **a stone winepress that a gentile lined with pitch, one may cleanse it and it is pure?** The Gemara answers: **The mishna** is referring to a case **where** the gentile **did not tread** on his grapes **in it,** whereas **the *baraita*** is referring to a case **where he trod** on his grapes **in it.**

אָמַר מָר: הַגַּת וְהַמַּחַץ וְהַמַּשְׁפֵּךְ שֶׁל גּוֹיִם – רַבִּי מַתִּיר בְּנִיגּוּב, וַחֲכָמִים אוֹסְרִין. וְהָאֲנַן תְּנַן: שֶׁל חֶרֶס, אַף עַל פִּי שֶׁקִּלַּף אֶת הַזֶּפֶת – הֲרֵי זוֹ אֲסוּרָה! אֲמַר רָבָא: סֵיפָא דְּמַתְנִיתִין אַתָּאן לְרַבָּנַן.

The Master said above: With regard to **the winepress and the ladle and the funnel that belong to gentiles, Rabbi** Yehuda HaNasi **permits** them **by cleansing, and the Rabbis deem** them **forbidden.** The Gemara asks: **But didn't we learn** in the mishna that if the winepress is **of earthenware, even if one peeled off the pitch this** press **is forbidden? Rava said:** In **the last clause of the mishna we arrive at** the opinion of **the Rabbis.**

דָּרֵשׁ רָבָא: נַעֲוָה אַרְתַּחוּ. רָבָא כִּי הֲוָה מְשַׁדַּר גּוּלְפֵי לְהַרְפַּנְיָא, סָחֵיף לְהוּ אַפּוּמַיְיהוּ וְחָתֵים לְהוּ אַבִּירְצַיְיהוּ, קָסָבַר: כָּל דָּבָר שֶׁמַּכְנִיסוֹ לְקִיּוּם, אֵפִילּוּ לְפִי שָׁעָה – גָּזְרוּ בֵּיהּ רַבָּנַן.

Rava taught: If one has **a tank** of wine used by gentiles, he must **scald it**[H] in order to render it permitted for use. **When Rava would dispatch** empty **kegs**[NH] **to Harpanya, he would turn them over,** placing them in their sacks **on their openings, and seal** the sacks **on their brims,**[N] so that the gentile carriers would not be able to use them for wine. **He maintained** that with regard to **anything that** is used to **contain** wine **for storage, even** if the wine may be stored in it only **temporarily, the Sages decreed** that **it** is forbidden for use as though it had contained wine.

בַּמֶּה מְנַגְּבָן? רַב אָמַר: בְּמַיִם, רַבָּה בַּר בַּר חָנָה אָמַר: בְּאֵפֶר. רַב אָמַר בְּמַיִם, בְּמַיִם וְלֹא בְּאֵפֶר? רַבָּה בַּר בַּר חָנָה אָמַר בְּאֵפֶר, בְּאֵפֶר וְלֹא בְּמַיִם? אֶלָּא

§ The Gemara asks with regard to the cleansing mentioned in the mishna: **How does one cleanse** a winepress, or utensils used by a gentile for wine? **Rav says:** One cleans it **with water. Rabba bar bar Ḥana says:** One cleans it **with ashes.** The Gemara asks: When **Rav says:** One cleans it **with water,** does he mean only **with water and not with ashes** as well? Furthermore, when **Rabba bar bar Ḥana says:** One cleans it **with ashes,** does he mean only **with ashes, and not with water** as well? **Rather,** their statements must be understood as follows:

NOTES

The winepress and its utensils, etc. – הַגַּת וכו': This applies to a winepress and utensils made of earthenware and not lined with pitch, as the *baraita* cites different rulings with regard to stone and wooden vessels based on whether or not they have been lined with pitch.

Kegs – גּוּלְפֵי: These are empty jugs (Rashi). The Ra'avad explains that they are made of earthenware. Even when sending empty vessels with a gentile, there is concern that the gentile may use them to store wine temporarily, and the *halakha* is stringent with regard to any vessel that contains wine for storage purposes, even if the wine is being stored in it only temporarily.

Turn them over on their openings and seal them on their brims [*birtza*] – סָחֵיף לְהוּ אַפּוּמַיְיהוּ וְחָתֵים לְהוּ אַבִּירְצַיְיהוּ: Rashi explains that Rava would set the vessels upside-down in sacks, and then seal the opening of the sack at the bottom [*birtza*] of the upside-down vessel to constitute a seal within a seal. The Ramban explains that Rava would cover the opening of the vessel with a basket and tighten it, and that the term *birtza* should be understood as a spigot. According to this explanation, Rava would make a single seal on the spigot at the bottom of the keg. The Ra'avad agrees with Rashi that Rava would set the vessel upside-down in the sack, the bottom of the sack constituting one seal over the opening, and then turn the vessel right side up again and place a seal on the spigot at the bottom of the keg.

BACKGROUND

Ladle – מַחַץ: The early commentaries describe this as a large earthenware vessel, apparently with handles, used for drawing the wine from the press.

HALAKHA

The winepress and its utensils, the ladle and the funnel, etc. – הַגַּת וְהַמַּחַץ וְהַמַּשְׁפֵּךְ וכו': Measuring vessels, ladling vessels, large tubs used for treading on grapes, and funnels are all treated as a winepress for the purposes of determining whether or not they may be used (*Shulḥan Arukh*, *Yoreh De'a* 138:4).

Earthenware jugs belonging to gentiles – קַנְקַנִּים שֶׁל גּוֹיִם: Vessels that are used to store wine must be filled and poured over the course of three days, whether they were purchased used from gentiles or whether they were owned by a Jew but used by a gentile even temporarily. Pouring is effective even if the vessels were lined with pitch, in accordance with the *baraita* and the conduct of Rava cited in the continuation of the discussion (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:15; *Shulḥan Arukh*, *Yoreh De'a* 135:7).

If one has a tank he must scald it – נַעֲוָה אַרְתַּחוּ: A winepress and its utensils that require cleansing, as well as an earthenware winepress that was lined with pitch by a gentile (Gra), can be rendered permitted by purging via pouring, i.e., pouring hot water from a directly heated vessel over them, in accordance with the statement of Rava and the commentary of Rabbeinu Tam (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:22; *Shulḥan Arukh*, *Yoreh De'a* 138:1).

When Rava would dispatch empty kegs, etc. – רָבָא כִּי הֲוָה מְשַׁדַּר גּוּלְפֵי וכו': One who dispatches vessels specifically designated for storing wine under the watch of gentiles must seal them in a manner that will reveal whether or not the gentile put wine in them, as Rava did and in accordance with the interpretation of the Ramban. Some authorities require a double seal, in accordance with Rashi's interpretation (*Shulḥan Arukh*, *Yoreh De'a* 136:1).

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רַב אָמַר: בְּמַיִם, וְהוּא הַדִּין לְאֵפֶר; רַבָּה בַּר בַּר חָנָה אָמַר: לְאֵפֶר, וְהוּא הַדִּין לְמַיִם; וְלָא פְּלִיגִי: הָא בִּרְטִיבְתָּא, הָא בִּיבֵישְׁתָּא.

Rav says: One must cleanse it **with water** first, **and the same** must be done **with ashes** subsequently, and **Rabba bar bar Ḥana says:** One must cleanse it **with ashes** first, **and the same** must be done **with water** subsequently. The Gemara comments: **And they do not disagree. This** statement, that it must be cleansed first with ashes and subsequently with water, was stated **with regard to a damp** winepress.[H] **That** statement, that first it must be moistened with water and then cleansed with ashes, was stated **with regard to a dry** winepress.

אִיתְּמַר, בֵּי רַב מְשַׁמְּיֵהּ דְּרַב אָמְרִי: תַּרְתֵּי תְּלָת, וּשְׁמוּאֵל אָמַר: תְּלָת אַרְבַּע.

A dispute **was stated** with regard to this matter: The Sages of **the school of Rav say in the name of Rav** that the cleansing process consists of **two** stages for a damp winepress, namely, ashes and water, and **three** stages for a dry winepress, namely, water, ashes, and water. **And Shmuel says** that it consists of **three** stages for a damp winepress, namely, ashes, water, and ashes, and **four** stages for a dry winepress, namely, water, ashes, water, and ashes.

בְּסוּרָא מַתְנוּ הָכִי. בְּפוּמְבְּדִיתָא מַתְנוּ, בֵּי רַב אָמְרִי מְשַׁמְּיֵהּ דְּרַב: תְּלָת אַרְבַּע, וּשְׁמוּאֵל אָמַר: אַרְבַּע חֲמֵשׁ.

In Sura they taught the dispute in **this** preceding manner, but **in Pumbedita they taught** it in the following manner: The Sages of **the school of Rav said in the name of Rav** that the cleansing process consists of **three** stages for a damp winepress, namely, ashes, water, and ashes, and **four** stages for a dry winepress, namely, water, ashes, water, and ashes. **And Shmuel says** that it consists of **four** stages for a damp winepress, namely, ashes, water, ashes, and water, and **five** stages for a dry winepress, namely, water, ashes, water, ashes, and water.

וְלָא פְּלִיגִי: מָר קָא חָשֵׁיב מַיָּא בַּתָּרָאֵי, וּמָר לָא קָחָשֵׁיב מַיָּא בַּתָּרָאֵי.

The Gemara comments with regard to the latter version of the dispute: **And they do not** actually **disagree.** One **Sage,** Shmuel, **counts** the **last** rinsing with **water,** which is only in order to remove the ashes, **and** the other **Sage,** Rav, **does not count** the **last** rinsing with **water.** Therefore Rav counts three and four stages, whereas Shmuel counts four and five.

בְּעוּ מִינַּיהּ מֵרַבִּי אַבָּהוּ: הָנֵי גּוֹרְגֵי דַּאֲרָמָאֵי, מַאי?

§ The students **asked Rabbi Abbahu** with regard to a similar issue of cleansing a utensil from wine of gentiles: With regard to **those wicker nets** [*gorgei*][L] used to hold the grapes during the treading, **which belong to gentiles, what** is the way to cleanse them?

אֲמַר לְהוּ רַבִּי אַבָּהוּ, תְּנִיתוּהָ: הָרֵי שֶׁהָיוּ גִּתָּיו וּבֵית בַּדָּיו טְמֵאִין, וּבִקֵּשׁ לַעֲשׂוֹתָן בְּטָהֳרָה – הַדַּפִּין וְהָעֲדָשִׁין וְהַלּוּלְבִין מַדִּיחָן, וְהָעֲקָלִין שֶׁל נְצָרִין וְשֶׁל בִּצְבּוּץ מְנַגְּבָן, וְשֶׁל שִׁיפָּה וְשֶׁל גֶּמִי מְיַשְּׁנָן שְׁנַיִם עָשָׂר חֹדֶשׁ; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: מַנִּיחָן מִגַּת לְגַת וּמִבַּד לְבַד.

Rabbi Abbahu said to them: You learned this in a *baraita*: In the case of **one whose winepresses or olive presses were impure, and he wished to prepare** his grapes and olives **in** a state of **purity,** he must first cleanse the presses from the impure produce for which they were used. **He must rinse the planks** used as a frame in the winepress, **and the troughs,**[N] **and the twigs**[H] used as brooms in the winepress; **and he must cleanse the** pressing **baskets**[B] with ashes and water if they were made **of palm leaves**[H] **or of hemp** [*bitzbutz*],[L] **or leave them dormant twelve months** if they were made **of bulrush or of reeds,** because these absorb more of the wine. **Rabban Shimon ben Gamliel says: He may leave them** dormant **from** one **wine-pressing** season **to** the next **wine-pressing** season,[N] **or from** one **olive-pressing** season **to** the next **olive-pressing** season.

HALAKHA

This was stated with regard to a damp winepress, etc. – הָא בִּרְטִיבְתָּא וכו׳: Concerning utensils that were determined to require cleansing, if they are damp, they must first be wiped with ashes, then rinsed with water, and then wiped again with ashes and rinsed again. If they were dry, they must be moistened with water first, then wiped with ashes, then rinsed with water, then wiped with ashes again and rinsed again. This practice is in accordance with all opinions according to the version of the Sages from Pumbedita, which is cited last, and the first interpretation cited by Rashi, according to which Rav and Shmuel did not disagree. The *Tur*, citing the Ramah and the Rosh, rules in accordance with the version from Sura, because in matters of rabbinic law the *halakha* follows the lenient opinion (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:20; *Shulḥan Arukh*, *Yoreh De'a* 138:10).

The planks and the troughs and the twigs – הַדַּפִּין וְהָעֲדָשִׁין וְהַלּוּלְבִין: Winepress utensils used by a gentile when treading on grapes, e.g., the beam used to squeeze the grapes, or the planks placed on the grape basket, can be purified via rinsing (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:24).

Pressing baskets of palm leaves, etc. – עֲקָלִין שֶׁל נְצָרִין וכו׳: With regard to the pressing baskets of a winepress, if they were made of palm leaves or hemp, they must be cleansed, but if they were made of bulrush or of reeds, they must lie dormant for twelve months. If one wishes to purify them immediately they must be purged with boiling water, or scalded in water used for cooking olives, or placed in rapidly flowing water for twelve hours, in accordance with the statement of the Rabbis and the statement of Rabban Shimon ben Gamliel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:24; *Shulḥan Arukh*, *Yoreh De'a* 138:6).

LANGUAGE

Wicker nets [*gorgei*] – גּוֹרְגֵי: From the Greek γυργαθός, *gurgathos*, meaning a wicker basket or creel.

Hemp [*bitzbutz*] – בִּצְבּוּץ: According to the *Arukh* this is an expanded form of *butz*, meaning flax. According to Rashi it is in fact hemp, a different material that resembles flax.

BACKGROUND

Pressing baskets – עֲקָלִין: The crushed olives are placed in these baskets, and the beam of the olive press presses down on them so the oil is pressed out through the spaces in the baskets. The purpose of the basket is to prevent the olives from scattering during the pressing.

Ancient olive press in Tel Hatzor, Israel

NOTES

Troughs [*adashin*] – עֲדָשִׁין: Rashi and Rabbeinu Gershom Meor HaGola explain that this is the press itself, which is round like a lentil [*adash*]. Accordingly, the *baraita* disagrees with the mishna with regard to whether the press requires cleansing and holds that rinsing it with water is sufficient. Other commentaries explain that these are utensils that are found at the press. Some explain this as the crushing stones of the olive press: The Ra'avad explains that it is the upper crushing stone, which does not have a receptacle, while the Ramban explains in the opposite manner, i.e., that this applies even to the lower stone, which has a receptacle.

From one wine-pressing season to the next wine-pressing season – מִגַּת לְגַת: The Ra'avad explains that one must wait until the end of the next pressing season.

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הֵיינוּ תַּנָּא קַמָּא! אִיכָּא בֵּינַיְיהוּ חוּרְפֵי וְאַפְלֵי.

The Gemara interjects: **Isn't this** opinion of Rabban Shimon ben Gamliel the same as that of **the first *tanna*,** as twelve months pass from one wine-pressing season to the next? The Gemara responds: The difference **between them** is with regard to **early**-ripening grapes **and late**-ripening grapes. Rabban Shimon ben Gamliel does not require a precise measure of twelve months, as the lapse between ripening seasons may be greater or less.

רַבִּי יוֹסֵי אוֹמֵר: הָרוֹצֶה לְטַהֵר מִיָּד – מַגְעִילָן בְּרוֹתְחִין אוֹ חוֹלְטָן בְּמֵי זֵיתִים; רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל מְשׁוּם רַבִּי יוֹסֵי אוֹמֵר: מַנִּיחָן תַּחַת צִינּוֹר שֶׁמֵּימָיו מְקַלְּחִין אוֹ בְּמַעְיָן שֶׁמֵּימָיו רוֹדְפִין, וְכַמָּה? עוֹנָה;

The *baraita* continues: **Rabbi Yosei says: One who wishes to purify** the winepress or olive press **immediately** without waiting a year **can purge them by** pouring **boiling water** over them, **or scald them in water** used for cooking **olives. Rabban Shimon ben Gamliel says in the name of Rabbi Yosei: He can place them under a pipe whose water flows** constantly **or in a spring with rapid waters. And** for **how long** should he leave them there? He should leave them for **an interval** of time, as the Gemara will explain.

כְּדֶרֶךְ שֶׁאָמְרוּ בְּיֵין נֶסֶךְ, כָּךְ אָמְרוּ בְּטָהֳרוֹת.

The *baraita* adds: **In the** same **way that** the Sages **stated** these cleansing instructions **with regard to** a winepress used for **libation wine, so they stated** these instructions **with regard to matters of purity.**[H]

כְּלַפֵּי לַיָּיא? בְּטָהֳרוֹת קָיְימִינַן! אֶלָּא: כְּדֶרֶךְ שֶׁאָמְרוּ בְּטָהֳרוֹת, כָּךְ אָמְרוּ בְּיֵין נֶסֶךְ.

The Gemara asks with regard to this last clause: **Isn't it the opposite? We are dealing** in this *baraita* **with matters of purity,** not with the matter of wine used for a libation. **Rather,** the *baraita* should be emended: **In the** same **way that** the Sages **stated** this **with regard to matters of purity, so they stated** this **with regard to libation wine.**

כַּמָּה עוֹנָה? אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: אוֹ יוֹם אוֹ לַיְלָה. רַבִּי חָנָא שָׁאִינָה, וְאָמְרִי לָהּ רַבִּי חָנָא בַּר שָׁאִינָה אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: חֲצִי יוֹם וַחֲצִי לַיְלָה.

The Gemara asks: **How long is an interval** of time? **Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says:** It is **either** an entire **day or** an entire **night. Rabbi Ḥana Sha'ina, and some say Rabbi Ḥana bar Sha'ina,** says that **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** It is **half a day and half a night.**

אָמַר רַבִּי שְׁמוּאֵל בַּר יִצְחָק, וְלָא פְּלִיגִי: הָא בִּתְקוּפַּת נִיסָן וְתִשְׁרֵי, הָא בִּתְקוּפַּת תַּמּוּז וְטֵבֵת.

Rabbi Shmuel bar Yitzḥak says: And they do not disagree. This statement, that it is either a day or a night, is referring **to the season of Nisan or Tishrei,** i.e., the fall or spring, when the day and the night are of equal length, and **that** statement, that it is half a day and half a night, is referring **to the season of Tammuz or Tevet,** i.e., the summer or winter, when they are not equal, and so twelve hours are measured by half the day and half the night.

§ אָמַר רַב יְהוּדָה: הָנֵי רַווּקֵי דַּאֲרַמָּאֵי, דְּמָזְיָא – מַדְּיחָן, דְּעַמְרָא – מְנַגְּבָן, דְּכִיתָּנָא – מְיַשְּׁנָן, וְאִי אִיכָּא קְטָרֵי שָׁרֵי לְהוּ. הָנֵי דְּקוּלֵּי וְחַלָּאתָא דַּאֲרַמָּאֵי, דְּחִיטֵי בְּחַבְלֵי דְּצוּרֵי – מַדְּיחָן,

§ **Rav Yehuda says:** In order to cleanse **those gentiles' straining bags** [*ravukei*],[HL] which are used for straining yeast from wine, with regard to those made **of hair,** which is not absorbent, one may **rinse them.** With regard to those made **of wool,** one must **cleanse them** with ashes and water. With regard to those made **of flax,** which is more absorbent, one must **leave them dormant. And if there are knots,** one must **undo them.**[H] In order to cleanse **those gentiles' baskets and strainers,** with regard to those **that are plaited from palm strips,** one may **rinse them.**

Perek **V**
Daf **75** Amud **b**

דְּצַבְתָּא – לַנְגְּבָן, דְּכִיתָּנָא – מְיַשְּׁנָן, וְאִי אִית בְּהוּ קִיטְרֵי שָׁרֵי לְהוּ.

With regard to those that are plaited **from *tzavta,***[NH] one must **cleanse them** with ashes and water. With regard to those that are plaited **from flax,** one must **leave them dormant. And if they have knots,** one must **undo them.**

HALAKHA

So they stated with regard to matters of purity – כָּךְ אָמְרוּ בְּטָהֳרוֹת: If one wishes to purify olive press utensils and baskets that absorbed impure liquids, he must rinse any wooden or stone utensils and cleanse any utensils made from palm leaves. With regard to reed utensils, he must either: (1) leave them dormant for twelve months, (2) scald them in hot water or water used for cooking olives, or (3) place them in rapidly flowing water for twelve hours. He must then immerse utensils that require immersion. They may then be used in a pure state (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 11:17).

Gentiles' straining bags – רַווּקֵי דַּאֲרַמָּאֵי: With regard to a gentile's wine strainer, if it is made of hair, it must be rinsed; and if it is made of wool, it must be cleansed; if it is made of flax, it must lie dormant for twelve months, after which it may be used for straining wine (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 11:23; *Shulḥan Arukh, Yoreh De'a* 138:7).

And if there are knots one must undo them – וְאִי אִיכָּא קְטָרֵי שָׁרֵי לְהוּ: Wherever cleansing is required any knots must first be undone, though this is not required before the process of filling and pouring or before an item is left dormant. Some maintain that the knots must be undone before leaving an item dormant as well, and the *halakha* is ruled in accordance with this opinion (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 11:23; *Shulḥan Arukh, Yoreh De'a* 138:9 and *Shakh* there).

LANGUAGE

Straining bags [*ravukei*] – רַווּקֵי: Related to the Arabic رووق, *rāwūk*, meaning strainer, the utensil used to strain yeast from wine.

NOTES

From *tzavta* – דְּצַבְתָּא: Rashi explains that this is a reed. According to the Ra'avad the correct word should be *tzarta*, meaning ropes made of reeds, as opposed to the ropes mentioned earlier, which in his opinion are made of palm bark. The Rambam explains that this does not refer to a type of material; rather, it is related to the word *tzevat*, meaning pincers, referring to the tight manner in which the strips are interwoven (see *Arukh*).

HALAKHA

From *tzavta*, etc. – דְּצַבְתָּא וכו': With regard to reed utensils and woven palm fronds used for pressing grapes or straining wine, if they are knotted their knots must be untied, and then they must be cleansed with ashes and water four times. If they are sewn together with flax they must lie dormant for twelve months after any knots have been untied. The Rema rules that nowadays, in the case of a tablecloth that has nondescript wine of gentiles spilled on it, rinsing it in cold water is sufficient. The *Shakh*, citing the Rosh, rules that it requires laundering (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 11:23; *Shulḥan Arukh, Yoreh De'a* 138:8).

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אִיתְּמַר: עַם הָאָרֶץ שֶׁהוֹשִׁיט יָדוֹ לַגַּת וְנָגַע בְּאֶשְׁכּוֹלוֹת – רַבִּי וְרַבִּי חִיָּיא, חַד אָמַר: אֶשְׁכּוֹל וְכָל סְבִיבוֹתָיו טְמֵאִין, וְכָל הַגַּת כּוּלָּהּ טְהוֹרָה; וְחַד אָמַר: כָּל הַגַּת כּוּלָּהּ נִמְי טְמֵאָה.

§ The Gemara discusses another aspect of the purity of a winepress. It **was stated:** In the case of **one who is unreliable with regard to ritual impurity** [*am ha'aretz*][N] **who reached his hand**[H] **into the winepress and touched** grape **clusters**[N] that were lying in the wine, **Rabbi** Yehuda HaNasi **and Rabbi Ḥiyya** disagree. **One says** that **the cluster** he touched **and all its surroundings are** rendered **impure, but** the rest of **the entire winepress is pure, and one says** that the rest of **the entire winepress is also** rendered **impure,** as the entire winepress is considered connected due to the wine in it.

וּלְמַאן דְּאָמַר: אֶשְׁכּוֹל וְכָל סְבִיבוֹתָיו טְמֵאִים וְכָל הַגַּת כּוּלָּהּ טְהוֹרָה, מַאי שָׁנְיָא מֵהָא דְּתָנֵן: שֶׁרֶץ שֶׁנִּמְצָא בָּרֵחַיִם – אֵינוֹ מְטַמֵּא אֶלָּא מָקוֹם מַגָּעוֹ, וְאִם הָיָה מַשְׁקִין מְהַלְּכִין – הַכֹּל טָמֵא?

The Gemara asks: **And according to the one who says** that **the cluster and all its surroundings are impure but** the rest of **the entire winepress is pure,** in **what** way **is** this case **different from that which we learned** in a mishna (*Teharot* 9:8): The carcass of **a creeping animal that was found in** an oil **press**[H] **transmits impurity to the place it touched alone, but if there was liquid flowing** in the mill, **it is all** rendered **impure?** Why is it not the *halakha* in the case of the winepress as well that the entire winepress is impure due to the liquid in it?

הָתָם לָא מַפְסַק וְלָא מִידֵּי, הָכָא מַפְסְקִי אֶשְׁכּוֹלוֹת.

The Gemara answers: **There,** in the case of the oil press, **there is nothing that interrupts** the flow of the liquid, and therefore the liquid connects everything to render it impure. **Here, the clusters** of grapes **interrupt** the flow of the wine, and so there is no uninterrupted connection between all of the wine in the winepress.

אוּרוּ לֵיהּ רַבָּנַן לְרַבִּי יִרְמְיָה, וְאָמְרִי לָהּ לִבְרֵיהּ דְּרַבִּי יִרְמְיָה, כְּדִבְרֵי הָאוֹמֵר: אֶשְׁכּוֹל וְכָל סְבִיבוֹתָיו טְמֵאִין, וְכָל הַגַּת כּוּלָּהּ טְהוֹרָה.

The Sages taught Rabbi Yirmeya, and some say they taught **the son of Rabbi Yirmeya, in accordance with the statement of the one who says: The cluster and all its surroundings are impure, but the entire winepress is pure.**

מתני׳ הַלּוֹקֵחַ כְּלֵי תַשְׁמִישׁ מִן הַגּוֹיִם, אֶת שֶׁדַּרְכּוֹ לְהַטְבִּיל – יַטְבִּיל, לְהַגְעִיל – יַגְעִיל, לְלַבֵּן בָּאוּר – יְלַבֵּן בָּאוּר. הַשַּׁפּוּד וְהָאַסְכְּלָא – מַלְבִּנָן בָּאוּר. הַסַּכִּין – שָׁפָה וְהִיא טְהוֹרָה.

MISHNA **One who purchases** cooking **utensils from the gentiles**[H] must prepare them for use by Jews in the following manner: With regard to **those** utensils **whose manner** of preparation **is to immerse** them in a ritual bath, as they require no further preparation, **he must immerse** them accordingly. With regard to those utensils whose manner of preparation is **to purge** them with boiling water, as those utensils are used with boiling water, e.g., pots, **he must purge** them accordingly. With regard to those whose manner of preparation is **to heat until white-hot in the fire,** as they are used for grilling, **he must heat** them **until white-hot in the fire.** Therefore, with regard to **the spit** [***hashappud***][L] **and the grill** [***veha'askela***],[L] **he must heat them until white-hot in the fire.** With regard to **the knife, he must polish it**[H] **and it is** rendered **pure.**

NOTES

Am ha'aretz – **עַם הָאָרֶץ:** Because these people were not strict about the *halakhot* of purity and impurity, the Sages decreed that contact with an *am ha'aretz* renders items impure.

And touched grape clusters, etc. – **וְנָגַע בְּאֶשְׁכּוֹלוֹת וכו׳:** Comparing this with the mishna in *Teharot* that discusses an oil press, this appears to be addressing a situation where there was juice from the grapes flowing in the winepress.

LANGUAGE

Spit [***shappud***] – **שַׁפּוּד:** From the Greek σπόδος, *spodos*, meaning a wooden or metal spit stuck into meat in order to roast it on a fire.

Grill [***askela***] – **אַסְכְּלָא:** Apparently from the Greek ἐσχάρα, *eskhara*, meaning an iron utensil used for roasting, especially for offerings. Some suggest that this is related to the Latin scala, ladder, meaning a utensil resembling a ladder used for roasting (Rabbeinu Barukh).

HALAKHA

An *am ha'aretz* who reached his hand, etc. – **עַם הָאָרֶץ שֶׁהוֹשִׁיט יָדוֹ וכו׳:** If an *am ha'aretz* reached his hand into the winepress and touched a grape cluster, the cluster and everything around it is rendered impure, but the winepress is pure, because the clusters surrounding it interrupt the connection between him and the rest of the winepress (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 9:8).

The carcass of a creeping animal that was found in an oil press – **שֶׁרֶץ שֶׁנִּמְצָא בָּרֵחַיִם:** If the carcass of a creeping animal was found in an olive oil press, it renders impure only the place that it touched. This is the *halakha* unless there was flowing liquid, in which case the entire press and its contents are rendered impure (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 9:7).

One who purchases cooking utensils from the gentiles – **הַלּוֹקֵחַ כְּלֵי תַשְׁמִישׁ מִן הַגּוֹיִם:** When one purchases used utensils from a gentile, the manner of their use determines the manner in which they are prepared for use by a Jew. Therefore, if one purchases utensils that were used only with cold food, one rinses them. They must be scoured well to remove any forbidden substance stuck to them, then rinsed and immersed, and then they are permitted. If one purchases utensils that were used with hot food, e.g., kettles, one purges them with boiling water and immerses them and they are permitted. If one purchases utensils that were used in fire, e.g., spits, one heats them until they are white-hot and immerses them, and they are permitted, in accordance with the mishna and the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 451:4 and *Yoreh De'a* 121:1–2).

With regard to the knife he must polish it, etc. – **הַסַּכִּין שָׁפָה וכו׳:** One who has purchased a knife from a gentile must heat it until white-hot or whet it on a whetstone, in accordance with the mishna and the conclusion of the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:7; *Shulḥan Arukh*, *Yoreh De'a* 121:7).

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HALAKHA

And they all require immersion – וְכוּלָּן צְרִיכִין טְבִילָה: One who purchases from a gentile utensils used in the preparation of meals, even if they are new, must immerse them in a ritual bath or a spring containing forty *se'a* of water (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:3; *Shulḥan Arukh*, *Yoreh De'a* 120:1).

The verse added to the process another act of purification – הוֹסִיף לְךָ הַכָּתוּב טָהֳרָה אַחֶרֶת: The immersion required for meal-preparation utensils purchased from gentiles is by rabbinic law (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:5).

BACKGROUND

Forty *se'a* – אַרְבָּעִים סְאָה: Forty *se'a* is the minimum quantity of water necessary for a ritual bath, which is the equivalent of eighty *hin* or 5,760 egg-bulks. The forty-*se'a* measure serves as the basis for all modern calculations of the various measures of volume, since the Talmud relates that the dimensions of a ritual bath must be three cubits by one cubit by one cubit, and that is the equivalent of forty *se'a* in volume. Consequently, according to Rav Ḥayyim Na'e, a ritual bath must contain 332 ℓ of water, and according to the *Ḥazon Ish* it must contain 573 ℓ.

NOTES

The verse added to the process another purification – הוֹסִיף לְךָ הַכָּתוּב טָהֳרָה אַחֶרֶת: It cannot be said that "It shall be pure" is the result of making the vessel go through the fire, as immediately subsequent to this the verse states: "Nevertheless it shall be purified with the water of sprinkling." Therefore, it must be understood that it will be made to go through fire and then undergo an additional act of purification by immersion.

Sprinkling on the third and the seventh day – הַזָּאָה שְׁלִישִׁי וּשְׁבִיעִי: The expression "water of sprinkling" in the verse is understood as referring to the same water that is called "water of sprinkling" elsewhere in the Torah, i.e., the water that is mixed with the ashes of the red heifer and sprinkled upon one who has been rendered impure by the ritual impurity imparted by a corpse (see Numbers 19:13). If the intent were that the process is parallel to that of purification from the impurity imparted by a corpse, then this should require sprinkling on the third and seventh days.

And it shall be pure in any amount – וְטָהֵר כָּל דְּהוּ: This means even in the minimum amount of water that can submerge the utensil (Rashi).

גמ׳ תָּנָא: וְכוּלָּן צְרִיכִין טְבִילָה בְּאַרְבָּעִים סְאָה. מְנָהֲנֵי מִילֵּי? אָמַר רָבָא, דְּאָמַר קְרָא: ״כָּל דָּבָר אֲשֶׁר יָבֹא בָאֵשׁ תַּעֲבִירוּ בָאֵשׁ וְטָהֵר״, הוֹסִיף לְךָ הַכָּתוּב טָהֳרָה אַחֶרֶת.

GEMARA The Sages **taught: And they all require immersion**[H] **in forty *se'a***[B] of water, including utensils that must first be purged in boiling water or heated until white-hot. The Gemara asks: **From where is this matter** derived? **Rava says:** It is derived from **that which the verse states** with regard to utensils captured in the battle against the Midianites: **"Anything that may tolerate the fire, you shall make to go through the fire, and it shall be pure"** (Numbers 31:23). By stating: "And it shall be pure," **the verse added to** the process **another** required act of **purification**[HN] in addition to heating the utensil with fire, which is understood to be immersion.

תָּנֵי בַּר קַפָּרָא: מִתּוֹךְ שֶׁנֶּאֱמַר ״בְּמֵי נִדָּה״ – שׁוֹמֵעַ אֲנִי שֶׁצְּרִיךְ הַזָּאָה שְׁלִישִׁי וּשְׁבִיעִי? תַּלְמוּד לוֹמַר: ״אַךְ״, חִלֵּק;

Bar Kappara teaches an additional source for this *halakha*: **From that** which **is stated** the continuation of the verse: "Nevertheless it shall be purified **with the water of sprinkling** [*nidda*]," **I** would **derive that** the utensils **require sprinkling** of purification water on the **third and** the **seventh** day[N] of their purification process, as is the *halakha* in the case of one who is impure with impurity imparted by a corpse. Therefore, **the verse states "nevertheless,"** indicating that the Torah **makes a distinction** in this case, and that sprinkling on the third and seventh day are not required.

אִם כֵּן, מַה תַּלְמוּד לוֹמַר: ״בְּמֵי נִדָּה״? מַיִם שֶׁנִּדָּה טוֹבֶלֶת בָּהֶן, יֵצְאוּ אוֹמֵר: אַרְבָּעִים סְאָה.

If that is **so, what** is the meaning when **the verse states: "With the water of sprinkling** [*nidda*]"**?** Clearly, the term *nidda* is referring not to sprinkling but to a menstruating woman, who is also called a *nidda*. Accordingly, the verse means that the utensils must be immersed in **water in which a menstruating woman can immerse** in order to become pure; and **you must say** that this is referring to a ritual bath that contains **forty *se'a*** of water.

אִיצְטְרִיךְ לְמִיכְתַּב ״וְטָהֵר״, וְאִיצְטְרִיךְ לְמִיכְתַּב ״בְּמֵי נִדָּה״; אִי כָּתַב ״וְטָהֵר״, הֲוָה אָמִינָא: ״וְטָהֵר״ כָּל דְּהוּ – כְּתַב רַחֲמָנָא ״בְּמֵי נִדָּה״;

The Gemara explains that both sources for this *halakha* are necessary: It **was necessary** for the Torah **to write "and it shall be pure," and** it **was necessary** for the Torah **to write "with the water of sprinkling,"** because **if** the Torah **had written** only **"and it shall be pure," I would say** that the verse means: **"And it shall be pure"** by immersion in **any amount**[N] of water. Therefore **the Merciful One writes: "With the water of sprinkling."**

וְאִי כָּתַב רַחֲמָנָא ״בְּמֵי נִדָּה״, הֲוָה אָמִינָא: עַרְבָה שֶׁמֶשׁ כְּנִדָּה – כְּתַב רַחֲמָנָא ״וְטָהֵר״, לְאַלְתַּר.

And if the Merciful One had written only **"with the water of sprinkling," I would say** that the process requires **the setting of the sun, as** is the *halakha* with regard to **a menstruating woman,** whose immersion renders her pure only after sunset. Therefore, **the Merciful One writes: "And it shall be pure,"** indicating that the utensils can be purified **immediately.**

אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ: אֲפִילּוּ כֵּלִים חֲדָשִׁים בְּמַשְׁמַע, דְּהָא יָשְׁנִים וְלִיבְּנָן כַּחֲדָשִׁים דָּמוּ, וַאֲפִילּוּ הָכִי בָּעֵי טְבִילָה. מַתְקִיף לָהּ רַב שֵׁשֶׁת: אִי הָכִי, אֲפִילּוּ זוּזָא דְּסַרְבָּלָא נַמִּי! אֲמַר לֵיהּ: כְּלֵי סְעוּדָה אֲמוּרִין בַּפָּרָשָׁה.

§ **Rav Naḥman says** that **Rabba bar Avuh says: Even new utensils** that were never used that are bought from gentiles **are meant** to be included in the requirement of immersion, **as old** utensils **that one heated until white-hot are similar to new** utensils, as they do not contain the flavor of non-kosher food, **and nevertheless they require immersion. Rav Sheshet objects to this: If so,** then **even scissors for cutting clothing** [*zuza desarbela*][L] should require immersion as well. Rav Naḥman **said to him:** Only **utensils** used in the preparation **of meals are mentioned in the passage** in the Torah, and only those require immersion.

LANGUAGE

Scissors for cutting clothing [*zuza desarbela*] – זוּזָא דְּסַרְבָּלָא: A variant of *zuga*, from the Greek ζυγόν, *zugon*, whose primary meaning is a pair but whose definition is expanded to include a variety of items structured in pairs, particularly scissors.

Reconstruction of Roman wool shears

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אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ: לֹא שָׁנוּ אֶלָּא בִּלְקוּחִין וּכְמַעֲשֶׂה שֶׁהָיָה, אֲבָל שְׁאוּלִין לֹא.

Rav Naḥman says that **Rabba bar Avuh says:** The Sages **taught this only with regard to** utensils that were **purchased** from gentiles **and** are therefore **comparable to** the utensils mentioned in the **incident that was** related in the passage; **but** the requirement does **not** apply to **borrowed** utensils.[H]

רַב יִצְחָק בַּר יוֹסֵף זָבַן מָנָא דְּמַרְדָּא מִגּוֹי, סָבַר לְהַטְבִּילָהּ, אֲמַר לֵיהּ הַהוּא מְרַבָּנַן וְרַבִּי יַעֲקֹב שְׁמֵיהּ: לְדִידִי מְפָרְשָׁא לֵיהּ מִינֵּיהּ דְּרַבִּי יוֹחָנָן – כְּלֵי מַתָּכוֹת אֲמוּרִין בְּפָרָשָׁה.

Rav Yitzḥak bar Yosef bought a utensil of *marda*, a mixture of earth and dung, **from a gentile. He thought** he was required **to immerse it. One of the Sages, and Rabbi Ya'akov was his name, said to him: It was explained to me** personally **by Rabbi Yoḥanan** himself that this requirement applies to **metal utensils**[N] alone, as those are the utensils **mentioned in the passage.**

אָמַר רַב אַשִׁי: הָנֵי כְּלֵי זְכוּכִית, הוֹאִיל וְכִי נִשְׁתַּבְּרוּ יֵשׁ לָהֶן תַּקָּנָה, כִּכְלֵי מַתָּכוֹת דָּמוּ. קוּנְיָא – פְּלִיגִי בָּהּ רַב אַחָא וְרָבִינָא, חַד אָמַר: כִּתְחִלָּתוֹ, וְחַד אָמַר: כְּסוֹפוֹ. וְהִלְכְתָא: כְּסוֹפוֹ.

Rav Ashi says: With regard to **those glass utensils, since when broken they can be fixed,** i.e., remade, if one melts them down and fashions the material into new utensils, **they are similar to metal utensils** and also require immersion. **With regard to** lead-**glazed** earthenware utensils,[H] **Rav Aḥa and Ravina disagree. One says:** The *halakha* is **in accordance with its initial** state; since it was initially an earthenware utensil, it does not require immersion. **And one says:** The *halakha* is **in accordance with its ultimate** state; since it is coated with metal, it requires immersion. The Gemara concludes: **And the *halakha* is in accordance with its ultimate** state.

אִיבַּעְיָא לְהוּ: מַשְׁכַּנְתָּא, מַאי? אֲמַר מָר בַּר רַב אַשִׁי: אַבָּא מִשְׁכֵּן לֵיהּ גּוֹי כָּסָא דְּכַסְפָּא, וְאַטְבְּלֵיהּ וְאִישְׁתֵּי בֵּיהּ, וְלָא יָדְעָנָא אִי מִשּׁוּם דְּקָסָבַר: מַשְׁכַּנְתָּא כְּזִבִינֵי דָּמְיָא, אִי מִשּׁוּם דְּחָזֵי לַגּוֹי דְּדַעְתֵּיהּ לְשַׁקּוּעֵי.

A dilemma was raised before the Sages: If a Jew is holding a gentile's utensil as **collateral, what** is the *halakha*?[H] Is he required to immerse it or not? **Mar bar Rav Ashi said: A gentile** once **gave my father a silver goblet as collateral, and he immersed it and drank from it. But I do not know whether** this was **because he maintained** that possessing a utensil as **collateral is considered like a purchase, or because he saw that the gentile's intention was to leave it** with him, and therefore he considered it as his own.

תָּנוּ רַבָּנַן: הַלּוֹקֵחַ כְּלֵי תַּשְׁמִישׁ מִן הַגּוֹיִם, דְּבָרִים שֶׁלֹּא נִשְׁתַּמֵּשׁ בָּהֶן – מַטְבִּילָן וְהֵן טְהוֹרִין; דְּבָרִים שֶׁנִּשְׁתַּמֵּשׁ בָּהֶן עַל יְדֵי צוֹנֵן, כְּגוֹן כּוֹסוֹת וְקִתּוֹנִיּוֹת וּצְלוֹחִיּוֹת – מַדִּיחָן וּמַטְבִּילָן וְהֵם טְהוֹרִין; דְּבָרִים שֶׁנִּשְׁתַּמֵּשׁ בָּהֶן עַל יְדֵי חַמִּין, כְּגוֹן הַיּוֹרוֹת הַקּוּמְקָמוּסִין וּמְחַמֵּי חַמִּין – מַגְעִילָן וּמַטְבִּילָן וְהֵן טְהוֹרִין; דְּבָרִים שֶׁנִּשְׁתַּמֵּשׁ בָּהֶן עַל יְדֵי הָאוּר, כְּגוֹן הַשַּׁפּוּדִין וְהָאַסְכָּלָאוֹת – מְלַבְּנָן וּמַטְבִּילָן וְהֵן טְהוֹרִין.

§ **The Sages taught: One who purchases utensils from the gentiles** must prepare them for use in the following manner: With regard to **items that** the gentile **did not use, one immerses them, and they are pure.** With regard to **items that** the gentile **used for cold** food or drink, **such as cups and jugs and flasks,**[B] **one rinses them and immerses them,**[N] **and they are pure.** With regard to **items that** the gentile **used for hot** food or drink, **such as** large **pots,** small **kettles** [***ḥakumkamusun***],[L] **and samovars, one purges them** with boiling water **and immerses them, and they are pure.** With regard to **items that** the gentile **used with fire, such as spits and grills, one heats them until white-hot and immerses them, and they are pure.**

NOTES

Metal utensils – כְּלֵי מַתָּכוֹת: The Torah lists gold, silver, copper, iron, tin, and lead, all of which are metals.

One rinses them and immerses them – מַדִּיחָן וּמַטְבִּילָן: The Ra'avad explains that the fact that this is stated as a two-step process indicates that rinsing involves more than merely running water over the utensil; rather, it means scouring off the dirt, as otherwise immersion would suffice.

BACKGROUND

Flask – צְלוֹחִית: This image depicts the reverse side of a silver *zuz* coin from the bar Kokheva revolt. The flask imprinted upon it very likely represents a flask used for the water libation on Sukkot, since the branch seems to be that of a willow tree, which is used in the Sukkot service.

Zuz coin from the bar Kokheva revolt depicting a flask for libation

LANGUAGE

Kettles [*kumkamusun*] – קוּמְקָמוּסִין: From the Greek κούκκουμα, *koukkouma*, and the Latin cucuma. It refers to a metal vessel with a narrow spout, used for boiling water.

HALAKHA

But the requirement does not apply to borrowed utensils – אֲבָל שְׁאוּלִין לֹא: If one borrows or rents utensils from a gentile, they do not require immersion, in accordance with the statement of Rav Naḥman. If a Jew bought utensils from a gentile and loaned them to another Jew, they require immersion, because they were subject to the requirement of immersion in the possession of the first Jew. Some say that if the first Jew did not purchase them for the purpose of food preparation but for unrelated purposes, the borrower is not required to immerse them, and this applies as well if the first Jew purchased them for the purpose of commerce. The *Shakh* rules that in this latter case it is proper to immerse them without reciting a blessing (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:6; *Shulḥan Arukh*, *Yoreh De'a* 120:8).

Glass utensils…lead-glazed earthenware utensils – כְּלֵי זְכוּכִית...קוּנְיָא: One who purchases glass or lead-glazed utensils, even if they are new, is required to immerse them, in accordance with the opinion of Rav Ashi and the conclusion of the Gemara. The Rema comments that only utensils that are glazed from all sides require immersion, but those glazed only on the inside should be immersed without a blessing. The *Shakh* rules they should be immersed together with a utensil that does require the recitation of a blessing (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:6; *Shulḥan Arukh*, *Yoreh De'a* 120:1).

As collateral, what is the *halakha* – מַשְׁכַּנְתָּא מַאי: If a gentile deposited metal utensils with a Jew as collateral, each utensil should be purged of the non-kosher taste absorbed in it in the appropriate manner, but immersion is not required. This is the opinion of the Rambam, who explains that because this issue was left unresolved in the Gemara, and, in his opinion, the requirement of immersion is by rabbinic law, he rules leniently. The *Shulḥan Arukh* rules that if the gentile appears to intend to leave the collateral in the possession of the Jew, it requires immersion, but if not, one should immerse it without reciting a blessing. The Rema adds that if it ultimately remained in the Jew's possession he should immerse it again without reciting a blessing (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:6; *Shulḥan Arukh*, *Yoreh De'a* 120:9).

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וְכוּלָּן שֶׁנִּשְׁתַּמֵּשׁ בָּהֶן עַד שֶׁלֹּא יַטְבִּיל וְשֶׁלֹּא יִגְעִיל וְשֶׁלֹּא יְלַבֵּן – תָּנֵי חֲדָא: אָסוּר, וְתַנְיָא אִידָךְ: מוּתָּר!

And with regard to **all** utensils **that one used before immersing**[NH] **and purging and heating** them **until white-hot, it is taught** in **one** *baraita* that the food prepared with them is **forbidden, and it is taught** in **another** *baraita* that the food prepared with them is **permitted.**

לָא קַשְׁיָא, הָא כְּמַאן דְּאָמַר: נוֹתֵן טַעַם לִפְגָם – אָסוּר, הָא כְּמַאן דְּאָמַר: נוֹתֵן טַעַם לִפְגָם – מוּתָּר.

The Gemara explains: This contradiction is **not difficult. This** ruling, that the food prepared with such utensils is forbidden, **is according to the one who says** that if a forbidden substance **imparts flavor** to a permitted food **to** the **detriment** of the mixture, the permitted food is **forbidden. That** ruling, that the food prepared with such utensils is permitted, **is according to the one who says** that if a forbidden substance **imparts flavor** to a permitted food **to** the **detriment** of the mixture, it remains **permitted.** Here too, since the flavor of non-kosher food imparted by the utensil detracts from the flavor of the food, such food is permitted.

וְלִמַאן דְּאָמַר נוֹתֵן טַעַם לִפְגָם מוּתָּר, גִּיעוּלֵי גּוֹיִם דְּאָסַר רַחֲמָנָא הֵיכִי מַשְׁכַּחְתְּ לָהּ?

The Gemara asks: **But according to the one who says** that that if a forbidden substance **imparts flavor** to a permitted food **to** the **detriment** of the mixture then the mixture is **permitted,** with regard to utensils of **gentiles** that require **purging,**[N] **which the Merciful One renders forbidden** until they are purged, **how can you find these** circumstances when it is actually prohibited to use the utensils until they are purged? Since utensils impart a detrimental flavor to food that is cooked in them, there seems to be no reason not to use utensils of gentiles without purging them.

אָמַר רַב חִיָּיא בְּרֵיהּ דְּרַב הוּנָא: לֹא אָסְרָה תּוֹרָה אֶלָּא קְדֵירָה

Rav Ḥiyya, son of Rav Huna, says: The Torah renders forbidden only a pot

NOTES

Before immersing – עַד שֶׁלֹּא יַטְבִּיל: All agree that a utensil that was not used by a gentile for cooking and requires only immersion to be fit for use by a Jew does not render food cooked in it forbidden. The purpose of that immersion is only to elevate the utensil from a state of impurity. The Ramban explains that the immersion here should be understood as in the mishna, according to those who interpret the mishna in this manner, as rinsing, because a utensil imparts a detrimental flavor after more than twenty-four hours have passed since the utensil was used. This appears to be the opinion of the Rambam as well. The Ra'avad explains that immersion in this context cannot be understood as rinsing; rather, it refers to immersion in a ritual bath.

Utensils of gentiles that require purging, etc. – גִּיעוּלֵי גּוֹיִם וכו': From the verses concerning the war with Midian it is derived that it is prohibited for Jews to use utensils that were used by gentiles unless the utensils have undergone a process of purification by fire and the like.

HALAKHA

Before immersing, etc. – עַד שֶׁלֹּא יַטְבִּיל וכו': If a gentile's utensils were used before being properly purged of the non-kosher taste absorbed in them, or before being immersed, the food prepared in them is permitted, because forbidden substances that were absorbed by the utensils impart a flavor to the detriment of the food prepared with them. Some say this applies only if the utensil was clean and there was no grease on its surface, but if it was not rinsed well and there is grease on its surface, it is not considered to impart detrimental flavor even after several days (Ra'avad; Rashba). The *Taz* and *Shakh* rule in accordance with the latter opinion, and this is the *halakha* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:4; *Shulḥan Arukh*, *Yoreh De'a* 103:5, 122:3, 6).

Perek **V**
Daf **76** Amud **a**

בַּת יוֹמָא, דְּלָאו נוֹתֵן טַעַם לִפְגָם הוּא.

that was used for cooking **that same day**[NH] by a gentile, **as** in such a case, **it does not impart flavor** to food cooked in it **to** the **detriment** of the mixture.

מִכָּאן וְאֵילָךְ לִישְׁתְּרֵי! גְּזֵירָה קְדֵירָה שֶׁאֵינָהּ בַּת יוֹמָא מִשּׁוּם קְדֵירָה בַּת יוֹמָא.

The Gemara asks: If so, **from that** point **onward** the pot **should be permitted,** as on the following day the taste of the non-kosher food imparted by the pot is already to the detriment of the food. The Gemara answers: There is a rabbinic **decree** that prohibits use of **a pot that** was **not** used by a gentile **that same day, due to** concern that one will use **a pot** used by a gentile **that same day.**

וְאִידָךְ? קְדֵירָה בַּת יוֹמָא נַמִּי מִפְּגַם פָּגְמָה.

The Gemara comments: **And** according to the opinion of **the other** *tanna*, who holds that even if the imparted flavor is to the detriment of the permitted food nevertheless it is forbidden, **even** the flavor imparted by **a pot** that was used **that same day** is **detrimental** to the flavor of the food, and still the Torah deems it forbidden, which proves that if a forbidden substance imparts flavor to a permitted food to its detriment, the permitted food is forbidden.

NOTES

That same day – בַּת יוֹמָא: Only a pot in which one cooked on that day can then render food cooked in it forbidden, because the flavor absorbed in it has not yet become defective. Once twenty-four hours have passed since in the pot was used for cooking, the pot will then impart a detrimental flavor to food cooked in it, and the food will be permitted. Some commentaries hold that twenty-four hours are not required; rather, it is sufficient to leave the pot overnight (see *Tosafot*).

HALAKHA

The Torah renders forbidden only a pot used that same day, etc. – לֹא אָסְרָה תּוֹרָה אֶלָּא קְדֵירָה בַּת יוֹמָא וכו': By Torah law, only a pot used within the same day can render food cooked in it forbidden, since in that case it imparts a beneficial flavor. Nevertheless, the Sages prohibited cooking in a pot used more than one day earlier *ab initio*. Therefore, earthenware utensils, which cannot be purged of their flavor in any manner, should not be purchased from gentiles. If one purchased such a utensil anyway and used it, even for cooking, from the second day onward, the food is permitted after the fact, provided that it was well scrubbed and there was no grease stuck to it. This ruling is in accordance with the opinion of Rav Ḥiyya, son of Rav Huna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:2; *Shulḥan Arukh*, *Yoreh De'a* 103:5, 122:2).

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רָמֵי לֵיהּ רַב עַמְרָם לְרַב שֵׁשֶׁת, תְּנַן: הַשַּׁפּוּד וְהָאַסְכְּלָא – מִלַּבְּנָן בָּאוּר, וְהָתַנְיָא גַּבֵּי קָדָשִׁים: הַשַּׁפּוּד וְהָאַסְכְּלָא – מַגְעִילָן בְּחַמִּין!

§ **Rav Amram raises a contradiction before Rav Sheshet: We learned** in the mishna: With regard to **the spits and the grill, one must heat them until white-hot in the fire. But it is taught** in a mishna (*Zevaḥim* 97a) **with regard to sacrificial** meat: **The spit and the grill**[H] that were used to roast sacrificial meat may not be used again after the time for eating that particular offering has passed, as the leftover taste of the offering in these utensils is forbidden, unless **one purges them in hot water.** Apparently, heating them until white-hot is unnecessary.

אֲמַר לֵיהּ: עַמְרָם בְּרִי, מָה עִנְיַן קָדָשִׁים אֵצֶל גִּיעוּלֵי גּוֹיִם? הָכָא הֵיתֵּירָא בָּלַע, הָתָם אִיסּוּרָא בָּלַע.

Rav Sheshet **said to him: Amram, my son,** what has the **matter** of **sacrificial** meat to do **with** vessels of **gentiles** that require **purging? Here,** in the case of sacrificial meat, the utensils **absorbed a permitted** food that subsequently became forbidden, and therefore purging in hot water is sufficient. **There,** in the case of utensils acquired from gentiles, the utensils **absorbed a forbidden** food, and so they must be heated until white-hot.

אֲמַר רָבָא: סוֹף סוֹף כִּי קָא פָּלֵיט – אִיסּוּרָא קָא פָּלֵיט! אֶלָּא אֲמַר רָבָא: מַאי הַגְעָלָה נַמִּי? שְׁטִיפָה וּמְרִיקָה.

Rava disagreed, **saying: Ultimately,** even in the case of sacrificial meat, **when it emits** flavor, **it emits a forbidden** flavor, so what difference does it make that it was permitted when it was absorbed? **Rather, Rava said: What** is meant by the **purging** stated with regard to sacrificial meat? It means that besides heating it until white-hot, **rinsing and scouring** it are **also** required, as is the *halakha* with regard to any utensil used with sacrificial meat, as the verse states: "It shall be scoured and rinsed in water" (Leviticus 6:21).

אֲמַר לֵיהּ אַבַּיֵי: מִי דָּמֵי? מְרִיקָה וּשְׁטִיפָה בְּצוֹנֵן, הַגְעָלָה בְּחַמִּין! אֶלָּא אֲמַר אַבַּיֵי: ״מַגִּיד עָלָיו רֵעוֹ״, תָּנָא הָכָא לִיבּוּן וְהוּא הַדִּין לְהַגְעָלָה, תָּנָא הָתָם הַגְעָלָה וְהוּא הַדִּין לְלִיבּוּן.

Abaye said to him: Are rinsing and scouring **comparable** to purging? **Scouring and rinsing** are done **in cold** water, whereas **purging** is done **in hot** water. Therefore, this is not a valid interpretation of the term purging. **Rather, Abaye said** that the Mishna employs the style of: **Its counterpart reveals about it** (see Job 36:33), as follows: The Mishna **taught here** that the spit and the grill require **heating until white-hot, and the same is true of purging,** which is also required. The Mishna **taught there** that **purging** the spit and the grill is necessary, **and the same is true of heating until white-hot.**

אֲמַר לֵיהּ רָבָא: אִי הָכִי, לְתַנּוֹיֵהוּ לְכוּלְּהוּ בַּחֲדָא, וְלֵיתְנֵי חֲדָא בְּאִידָךְ אַחֲרִיתִי, וְלֵימָא: ״מַגִּיד עָלָיו רֵעוֹ״!

Rava said to him: If so, let the Mishna **teach all of** these requirements **in one** of the places, **and let it teach** only **one** of them **in the other, and** then **let us say** that the Mishna employs the style of: **Its counterpart reveals about it.** The principle that one mishna supplements the other can apply when all of the information is stated in one of the two places, but not when each has only part of it.

אֶלָּא אֲמַר רָבָא: קָדָשִׁים הַיְינוּ טַעֲמַיְיהוּ – כִּדְרַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ, דְּאָמַר: כָּל יוֹם וְיוֹם נַעֲשֶׂה גִּיעוּל לַחֲבֵירוֹ.

Rather, Rava said that with regard to **sacrificial** meat, **this is** the **reason** that **its** utensils do not require heating until white-hot: It is **in accordance with that which Rav Naḥman** says that **Rabba bar Avuh says, as he says: Each and every day constitutes purging for the other** day, i.e., the previous day. Since the designated time for eating the meat of a peace-offering ends the day after it is sacrificed, using the utensils every day for an offering sacrificed on that day guarantees that the taste of every offering is expelled from the utensils before they becomes forbidden, by using them with fire on the following day. Therefore the utensils do not require special heating until white-hot in fire in order to become permitted for subsequent use.

תֵּינַח שְׁלָמִים, דְּכִיוָן דְּלִשְׁנֵי יָמִים מִיתְאֲכְלִי, מִקַּמֵּי דְּנֵיהֱוֵי נוֹתָר קָא הָוֵי גִּיעוּל. אֶלָּא חַטָּאת, כֵּיוָן דְּלִיּוֹם וְלַיְלָה מִיתְאֲכְלָא, כִּי מְבַשֵּׁל בָּהּ הָאִידָנָא חַטָּאת – הָוֵי נוֹתָר, כִּי הָדַר מְבַשֵּׁל בָּהּ לְמָחָר אוֹ שְׁלָמִים אוֹ חַטָּאת – קָא פָּלֵיט נוֹתָר דְּחַטָּאת דְּהָאִידָנָא בְּחַטָּאת וּשְׁלָמִים דְּלְמָחָר!

The Gemara raises an objection: This **works out well** with regard to **peace-offerings, as, since** their meat **may be eaten over two days, purging is** achieved **before they become leftover** sacrificial meat, which is forbidden. **But** with regard to **a sin-offering, since** its meat **may be eaten** only **over** the course of **a day and a night, when one cooks** the meat of **a sin-offering with** the utensil **now, it becomes leftover** the next morning. And **when one cooks with it again the next day, whether** the meat of **a peace-offering or a sin-offering,** the utensil **expels the leftover** taste **of the sin-offering** sacrificed **now into** the meat of **the sin-offering or peace-offering** sacrificed **the next day,** and it should be forbidden.

HALAKHA

The spit and the grill, etc. – הַשַּׁפּוּד וְהָאַסְכְּלָא וכו׳: A spit or a grill that was used for sacred offerings must be purged with hot water over a fire and then rinsed before it may be used for other sacred offerings (Rambam *Sefer Avoda, Hilkhot Ma'aseh HaKorbanot* 8:12).

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NOTES

He can then cook a peace-offering with the same utensil now – מְבַשֵּׁל בָּהּ הָאִידָּנָא שְׁלָמִים: Rashi explains that this refers to the breast and the shoulder, which the priests received from the peace-offerings. These were cooked in the utensils in which the priests had cooked the meat of the sin-offerings they had received the previous day. Although it is permitted for the priests to eat the breast and shoulder anywhere in Jerusalem, and not only in the Temple courtyard as is the *halakha* with regard to the meat of sin-offerings, nevertheless, at times they would cook the meat of the peace-offerings in the Temple, using the Temple utensils.

אָמְרִי: לָא צְרִיכָא, דְּכִי מְבַשֵּׁל בָּהּ חַטָּאת הָאִידָּנָא הָדַר מְבַשֵּׁל בָּהּ הָאִידָּנָא שְׁלָמִים,

The Sages **say** in response: **It is not necessary** to purge the utensil by heating it until white-hot even if it was used for the meat of a sin-offering; it is possible to avoid such a requirement, **as when one cooks a sin-offering with** the utensil **now,** he can **then cook** the meat of **a peace-offering with** the same utensil **now,**[N] i.e., on the same day, and the taste of the sin-offering is consequently expelled from the utensil on that same day.

דְּחַטָּאת דִּלְמָחָר וּשְׁלָמִים דְּאָתְמוֹל בַּהֲדֵי הֲדָדֵי קָא שַׁלְּיִם זְמַנַּיְיהוּ, וַהֲדַר מְבַשֵּׁל שְׁלָמִים דִּלְמָחָר.

Then, when the taste of the peace-offering is absorbed, it creates a situation **where the** designated **times for** eating the meat of **the sin-offering of the next day and** the meat of **the peace-offering of the previous day are complete simultaneously.** It is therefore possible to use the utensil for cooking the meat of a sin-offering the next day without having to purge it from the taste of the previous day's offerings. **And one can then cook** the meat of **a peace-offering** with the utensil **the next day,** thereby expelling from it the taste of the sin-offering of that day, and repeat this practice day after day.

אִי הָכִי, הַגְעָלָה נַמִּי לָא לִיבָּעֵי! קַשְׁיָא.

The Gemara raises an objection: **If so,** if each day the utensil expels the taste of the sacrificial meat that has not become leftover, then **purging** it with boiling water **is also unnecessary.** Why, then, does the mishna require purging with boiling water? The Gemara comments: This poses **a difficulty** to Rava's explanation.

רַב פַּפָּא אָמַר: הַאי קָרֵיד, הַאי לָא קָרֵיד.

Rav Pappa said that there is another resolution to the contradiction between *mishnayot*: In **this** case of a gentile's spit and grill, because it is a utensil that is not in continual use, it **becomes crusty** and must be heated until white-hot; but **that** utensil used for sacrificial meat is in continual use, so it **does not become crusty.**

רַב אַשִׁי אָמַר, לְעוֹלָם כְּדַאֲמָרַן מֵעִיקָּרָא: הָכָא הֶתֵּירָא בָּלַע, הָכָא אִיסּוּרָא בָּלַע.

Rav Ashi said: Actually, the contradiction should be resolved **as we said from the outset,** as explained by Rav Sheshet: **There,** in the case of sacrificial meat, the utensils **absorbed a permitted** food that subsequently became forbidden, and therefore purging is sufficient. **Here,** in the case of utensils acquired from gentiles, the utensils **absorbed a forbidden** food, and so they must be heated until white-hot.

וְדָקָא קַשְׁיָא לָךְ, דִּבְעִידָּנָא דְּקָא פָּלֵיט אִיסּוּרָא קָא פָּלֵיט – בְּעִידָּנָא דְּקָא פָּלֵיט לָא אִיתֵּיהּ לְאִיסּוּרָא בְּעֵינֵיהּ.

And as for **that which** poses **a difficulty for you, that at the time** that the utensil **expels** flavor, **it expels** the flavor of **a forbidden** food, the answer is that **at the time it expels** flavor, the **forbidden** food **is nonexistent in its substantive form.** Since the forbidden substance expelled from the utensil is not the forbidden food itself but only its flavor, it is treated leniently, and therefore the fact that it was permitted at the time it was absorbed in the utensil is taken into account.

וְעַד כַּמָּה מְלַבְּנָן? אָמַר רַבִּי מָנִי: עַד שֶׁתַּשִׁיר קְלִיפָּתָן. וְכֵיצַד מַגְעִילָן? אָמַר רַב הוּנָא: יוֹרֶה קְטַנָּה בְּתוֹךְ יוֹרָה גְּדוֹלָה.

§ Returning to the mishna, the Gemara asks: **And how much does one heat** utensils to make **them white-hot? Rabbi Mani says: Until they shed their outer layer.**[H] **And how does one purge** utensils with boiling water? **Rav Huna says:** One immerses **a small kettle**[H] **inside a large kettle** of boiling water.

יוֹרָה גְּדוֹלָה מַאי? תָּא שְׁמַע: דְּהַהוּא דְּוָדָא דַּהֲוַאי בֵּי רַב עֲקַבְיָה, אַהֲדַר לֵיהּ

The Gemara asks: **What** does one do with **a large kettle?**[H] The Gemara suggests: **Come** and **hear** an answer from an incident **involving a certain cauldron that was** in **the house of Rav Akavya** and required purging. **He surrounded it**

HALAKHA

Until they shed their outer layer – עַד שֶׁתַּשִׁיר קְלִיפָּתָן: Utensils that are used in fire, e.g., spits and grills, must be heated until their outer layer sheds, in accordance with the opinion of Rabbi Mani, or until they raise sparks, in accordance with the Jerusalem Talmud. The Rema rules that some say it is sufficient to heat them to the point where a straw laid upon them burns, but the *halakha* is in accordance with the more stringent opinion (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 451:4).

Small kettle – יוֹרָה קְטַנָּה: Utensils that were used directly for cooking must be submerged inside a larger kettle, filled with water to the point where the smaller utensil is completely covered with water, and boiled well, in accordance with the statement of Rav Huna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:4; see *Shulḥan Arukh*, *Oraḥ Ḥayyim* 451:5).

Large kettle – יוֹרָה גְּדוֹלָה: If one wants to render kosher a vessel too large to submerge in a larger vessel, one constructs a rim around it with plaster so it can be filled with water to the point of the vessel's rim and boils the water, in accordance with the practice of Rav Akavya. Alternatively, one takes a boiling hot stone and casts it in while the water is boiling so that the water rises up above the rim of the vessel, in accordance with the ruling of the Rosh and the Mordekhai in tractate *Pesaḥim* (Rambam *Sefer Zemanim*, *Hilkhot Ḥametz UMatza* 5:26 and *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 452:6).

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גַּדְנְפָא דִּילִישָׁא אַפּוּמָא, וּמַלְיוּהּ מַיָּא וְאַרְתְּחָהּ. אֲמַר רָבָא: מַאן חַכִּים לְמֶעֱבַד כִּי הָא מִילְתָא אִי לָאו רַב עַקַבְיָה דְּגַבְרָא רַבָּא הוּא, קָסָבַר: כְּבוֹלְעוֹ כָּךְ פּוֹלְטוֹ, מַה בּוֹלְעוֹ בִּנְצוֹצוֹת – אַף פּוֹלְטוֹ בִּנְצוֹצוֹת.

with **a rim** [*gedanfa*][L] **of dough around its rim, and filled it with water and boiled it,** so that the water boiled along its rim. **Rava said: Who** would be **clever** enough **to perform such an action if not Rav Akavya, as he is a great man. He maintains** that **as it absorbs it so it expels it; just as** the rim **absorbs** the forbidden substance **by small drops** of it that reach the rim, **so too it expels** the forbidden substance **by small drops** of boiling water that reach the rim.

״הַסַּכִּין – שָׁפָה וְהִיא טְהוֹרָה״. אָמַר רַב עוּקְבָא בַּר חָמָא: וְנוֹעֲצָהּ עֲשָׂרָה פְּעָמִים בַּקַּרְקַע. אָמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: וּבְקַרְקַע שֶׁאֵינָהּ עֲבוּדָה. אָמַר רַב כָּהֲנָא: וּבְסַכִּין יָפָה שֶׁאֵין בָּהּ גּוּמּוֹת. תַּנְיָא נַמִּי הָכִי: סַכִּין יָפָה שֶׁאֵין בָּהּ גּוּמּוֹת, נוֹעֲצָהּ עֲשָׂרָה פְּעָמִים בַּקַּרְקַע. אָמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: לֶאֱכוֹל בָּהּ צוֹנֵן.

§ The mishna teaches: With regard to **the knife,**[H] **one must polish it and it is** rendered **pure. Rav Ukva bar Ḥama says: And one must thrust it**[N] **ten times into the ground. Rav Huna, son of Rav Yehoshua, says: And** this must be done **in untilled earth,** i.e., hard earth. **Rav Kahana says: And** this applies **to a good knife that does not have notches,** so that the entire surface of the knife is scraped against the ground. **This is also taught** in a *baraita*: With regard to **a good knife that does not have notches, one can thrust it ten times into the ground. Rav Huna, son of Rav Yehoshua, says:** This is sufficient **for** the purpose of **eating cold** food **with it.**

כִּי הָא דְּמָר יְהוּדָה וּבָאטִי בַּר טוּבִי הֲווּ יָתְבִי קַמֵּיהּ דְּשָׁבוּר מַלְכָּא, אַיְיתוּ לְקַמַּיְיהוּ אָתְרוֹגָא, פְּסַק אֲכַל, פְּסַק וְהַב לֵיהּ לְבָאטִי בַּר טוּבִי. הֲדַר דָּצַּהּ עֲשָׂרָה וְיָמְבֵי בְּאַרְעָא, פְּסַק הַב לֵיהּ לְמָר יְהוּדָה. אֲמַר לֵיהּ בָּאטִי בַּר טוּבִי: וְהָהוּא גַּבְרָא לָאו בַּר יִשְׂרָאֵל הוּא? אֲמַר לֵיהּ: מָר קָיִם לֵיהּ בְּגַוֵּיהּ, וּמָר לָא קָיִם לֵיהּ בְּגַוֵּיהּ.

This is **like that** incident **involving Mar Yehuda,**[P] an important personage of the house of the Exilarch, **and Bati bar Tuvi,** a wealthy man, who **were sitting before King Shapur,**[P] the king of Persia. The king's servants **brought an *etrog* before them.** The king **cut** a slice and **ate** it, and then he **cut** a slice **and gave** it **to Bati bar Tuvi. He then stuck** the knife **ten times in the ground, cut** a slice, and **gave** it **to Mar Yehuda. Bati bar Tuvi said to him: And is that man,** referring to himself, **not Jewish?** King Shapur **said to him: I am certain of** that **master,** Mar Yehuda, that he is meticulous about *halakha*; **but I am not certain of** that **master,** referring to Bati bar Tuvi, that he is meticulous in this regard.

אִיכָּא דְּאָמְרִי, אֲמַר לֵיהּ: אִידְכַּר מַאי עֲבַדְתְּ בְּאוֹרְתָּא.

There are those **who say** that King Shapur **said to him: Remember what you did last night.** The Persian practice was to present a woman to each guest, with whom he would engage in intercourse. Mar Yehuda did not accept the woman who was sent to him, but Bati bar Tuvi did, and therefore he was not assumed to be meticulous with regard to eating kosher food.

הדרן עלך השוכר את הפועל
וסליקא לה מסכת עבודה זרה

LANGUAGE

Rim [*gedanfa*] – גַּדְנְפָא: This word means frame in Aramaic. Its primary root is *gimmel*, *peh*, *alef*, meaning side or wing.

HALAKHA

The knife – הַסַּכִּין: In a case where one purchases a knife from a gentile, if he wishes to use the knife with cold foods and the blade has no notches, he may thrust it into hard ground ten times. Each thrust must be in hard ground, so it must be thrust into a new place each time. This is sufficient to render the knife permitted for cutting even pungent items, as derived from the incident involving King Shapur. The Rema rules that if one wishes to use such a knife on a permanent basis one should purge it, like any other gentile's utensil. If the blade has notches, or if the intention is to use it with hot foods or to slaughter animals with it, one must either heat it until white-hot in a fire or whet it thoroughly. The Rema says that some say that whetting is effective only for cold use, and it should not be done for the purpose of hot use *ab initio*. If the knife was heated until white-hot but not purged, or purged but not heated until white-hot, and it does not have notches, food cut with the knife is not forbidden, even if the knife was within one day of its last forbidden use. If it was well whetted and purged, it may be used even *ab initio*, provided the notches are cleaned as well (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:7; *Shulḥan Arukh*, *Yoreh De'a* 121:7).

PERSONALITIES

Mar Yehuda – מָר יְהוּדָה: Mar Yehuda was a Babylonian Sage of the third generation of *amora'im*. Apparently, he was a disciple of the Sage Avimi, in whose name he transmits several *halakhot*, and he is involved in disputes with several of the Sages of his generation. The title Mar usually designates Sages of the family of the Exilarch, and this incident indicates that he was close to the king of Persia, King Shapur.

King Shapur – שָׁבוּר מַלְכָּא: This was the name of several Persian kings. The incident here apparently refers to Shapur I, the son of the founder of the Sassanid dynasty. This King Shapur successfully continued the war against Rome, conquered the town of Nisibis, and reached as far as Syria. In a series of invasions and wars in Syria he eventually succeeded, in a battle near Edessa, not only in defeating the Roman emperor Valerian but even in taking him captive and holding him until his death. He used captives from these wars to build important cities and dams. His domestic policy was tolerant of different religions, and the Gemara here depicts him as being aware and respectful of Jewish customs.

Image of King Shapur I on a coin from his reign

NOTES

And one must thrust it, etc. – וְנוֹעֲצָהּ וכו': Rashi explains that even if one polished it first, in any event one must also thrust it into the ground. He cites another opinion that the polishing of the knife is to be done with a rough woolen cloth, in order to remove any tangible grease, and then one must thrust it into the ground. Other early commentaries wonder why the mishna would not expressly state this, and therefore they maintain that thrusting it into the ground is an additional method of rendering the knife kosher, as clarified in the incident involving King Shapur, in which this action was sufficient by itself. *Sefer HaTeruma* explains that Rav Huna, son of Rav Yehoshua, is explaining here how to accomplish the polishing mentioned in the mishna (see Rid).

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Summary of **Perek V**

In this chapter the Gemara concluded that in a case where a gentile was discovered alone in proximity to a Jew's wine, if the gentile was presumably concerned that the Jewish owner or supervisor of the wine would discover him, there is no concern that he poured a libation from it. Conversely, if the gentile was alone with the wine for a sufficient amount of time to drink from it or pour a libation from it without worry that he would be discovered, the wine is forbidden. If the wine is sealed in a barrel, it is forbidden only if the gentile was alone with it for sufficient time to open the stopper of the barrel and replace it in a way that it would not be obvious that it had been tampered with. In the case of a military force that entered a town in wartime, although they can do as they please, since they are busy with their military activities there is no concern that they used the wine for libations, and even open barrels are permitted.

Since it is prohibited to derive benefit from wine used for a libation, as well as from any other wine belonging to a gentile, it is also prohibited to receive payment for labor pertaining to such wine. Therefore, if a Jew received payment for transporting a gentile's wine, it is prohibited to derive benefit from the payment earned. This particular stringency does not apply to other items from which it is prohibited to derive benefit. Another unique stringency that applies to a gentile's wine is that if wine is poured from a Jew's vessel to a vessel containing a gentile's wine, all of the wine in the Jew's vessel is forbidden, as the stream of wine connects between the two vessels.

Once a gentile's wine comes into a Jew's possession, whether as payment, as a gift, or as an inheritance, and is acquired by him, he may not exchange it for other wine, as this is tantamount to selling wine used for a libation and benefitting from its proceeds. Nevertheless, one may stipulate in advance to receive a permitted item in lieu of an item from which it is prohibited to derive benefit.

With regard to mixtures, the chapter concludes that if wine used for a libation, or any other cold forbidden liquid, came into contact with a permitted food, if the permitted food is not absorbent, it is rendered permitted by rinsing alone. If the food is absorbent, e.g., cracked fruits, then in a case where the forbidden substance enhances the taste of the permitted food, the food is forbidden, but if it imparts flavor to the detriment of the permitted food, the mixture is permitted.

The chapter discusses several cases of a forbidden food becoming mixed with a permitted food such that they cannot be distinguished from one another. If the two foods are of different types, the mixture is forbidden if the forbidden food imparts flavor to it. This also applies to most cases in which the foods are of the same type. The exceptions are cases of libation wine and *teruma*: If these forbidden foods are mixed with permitted foods of the same type, any amount of the forbidden food renders the mixture forbidden. There are other types of forbidden foods that are nullified

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in a mixture by specific proportions. Any forbidden item that is significant enough to be counted on its own and becomes intermingled with a collection of similar permitted items renders the entire collection forbidden, even if there are more than one thousand permitted items intermingled with the forbidden item.

A unique *halakha* applies to metal and glass utensils, used in preparation of meals, that belong to gentiles and are transferred permanently to the possession of a Jew. Such utensils must be immersed in a ritual bath before they may be used. This applies to new utensils as well as used ones. A used utensil must also be purged of the taste of the forbidden foods with which it was presumably used. The principle governing this purging procedure is that a utensil expels taste in the same manner that it absorbed it. If the utensil was used only with cold food, it may be simply washed in cold water. If it was used for cooking, it is purged with hot water. If it was used for grilling over a fire, it must be heated until white-hot.

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Introduction to **Horayot**

The primary focus of tractate *Horayot* is erroneous rulings issued by the court and unwitting actions performed by prominent leaders of the Jewish people, and the offerings they are liable to bring to atone for this.

The commentaries ask: Why does this tractate, which addresses the *halakhot* of offerings and is codified by the Rambam in *Sefer Korbanot*, *Hilkhot Shegagot*, appear in the order of *Nezikin*, instead of in the more appropriate order of *Kodashim*? The reason is that this tractate is both an addition and a complement to tractate *Sanhedrin*.

After analyzing the *halakhot* of judges and courts, especially the Sanhedrin, it was necessary to complete treatment of the topic by addressing the matter of erroneous rulings issued by a court. Human nature includes the potential for error; therefore, this tractate, which addresses erroneous rulings of the court and the ways in which one can gain atonement for them, was placed in the order of *Nezikin* (see Rambam's introduction to his Commentary on the Mishna).

The *halakhot* of atonement offerings for the entire nation and for prominent individuals among the people appear in two passages in the Torah (Leviticus 4:1–35; Numbers 15:22–29). The Sages explain that the first passage addresses the case of an unwitting transgression performed by the congregation in violation of any one of the mitzvot in the Torah, and the second passage addresses a case where the congregation engages in unwitting idol worship.

It is written concerning the unwitting transgression performed by the entire congregation: "And if the whole congregation of Israel shall err, and the matter is hidden from the eyes of the congregation" (Leviticus 4:13), and: "If it was performed unwittingly, hidden from the eyes of the congregation" (Numbers 15:24). These are, of necessity, interpreted with regard to an erroneous ruling issued to the public. An individual is apt to unwittingly perform an action due to ignorance of the *halakha*, forgetfulness, or ignorance with regard to the time or the place, e.g., if he is unaware that it is Shabbat. An unwitting transgression performed by the public is possible only when its leadership issues an erroneous ruling and draws the entire congregation after their ruling.

It is explained in the Torah with regard to the Sanhedrin: "And you shall come unto the priests the Levites, and unto the judge that shall be in those days… from that place that the Lord shall choose" (Deuteronomy 17:9–10). This teaches that the Sanhedrin is the ultimate authority, and one may not deviate from its rulings "to the right nor to the left" (Deuteronomy 17:11). Anyone who defies this court is liable to be executed (see Deuteronomy 17:12; *Sanhedrin* 86b–88b). Therefore, it is reasonable to conclude that it is only the Sanhedrin that could lead the entire congregation to

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follow its ruling and unwittingly perform a transgression, and it is only that court which can reverse its ruling and concede that its initial conclusion was mistaken.

Since the reference in the verse is to the Sanhedrin and to an erroneous ruling its members issued, it is clear that the error in question does not involve abolition of matters written explicitly in the Torah. Although there were times when the public and its leadership violated the Torah, in those cases they performed the transgressions intentionally, as the Sages said: Eretz Yisrael was not destroyed until seven courts engaged in idol worship (*Yalkut Shimoni*). An unwitting erroneous ruling of the court is possible only as a result of incorrect interpretation of the details of a mitzva that causes unwitting performance of a transgression with regard to those details.

It is not explicit in the Torah whether these *halakhot* concerning unwitting transgressions are stated with regard to all mitzvot or only with regard to certain mitzvot. Rabbinic tradition corresponding to the meaning of the verses holds that these *halakhot* apply only to severe transgressions, with regard to which it is stated: "But the soul that shall perform an action highhandedly… shall be cut off" (Numbers 15:30).

The passage in the Torah that discusses unwitting actions accords special status to two public figures: The anointed High Priest and the *Nasi*, i.e., the king. These two are preeminent relative to the rest of the Jewish people, the High Priest in terms of sanctity and the king in terms of leadership. For these two there is a system of *halakhot* unique to them: For the High Priest in Leviticus 21:10–15 and for the king in Deuteronomy 17:14–20. Due to their standing they have unique obligations, and the offerings that they bring for their unwitting transgressions differ from those of the rest of the people.

Since tractate *Horayot* deals with unique individuals and their special standing, the tractate includes a fundamental discussion concerning the hierarchy within the Jewish people. While individuals who fill special roles have unique status with respect to sin-offerings they bring, the distinction is not limited to this. In the Torah itself there are distinctions between different groups within the population: Priests, Levites, and Israelites; those with flawed lineage, who may not marry into the Jewish people; the judge; and the convert and orphan.

Determining the hierarchy among the Jewish people is not limited to the matter of treating individuals with deference. Rather, it is the key to resolution of many practical problems. Although it would be desirable for all indigent Jews to have all their needs met, there are many cases where one must establish a hierarchy to determine precedence. This hierarchy plays a role in determining which person to appoint to fill a certain position. Likewise, it plays a role in determining which captive to redeem first or whose life to rescue first. Establishing this hierarchy is a necessity of life, and it is only appropriate that it be established within the framework of *halakha* rather than being decided arbitrarily on an ad hoc basis.

These are the central topics addressed in tractate *Horayot*. As usual, the Gemara discusses several matters that are related to or arise from them. Halakhic and aggadic statements related to the anointment of the High Priest and the king appear in this tractate, along with the theoretical and practical problems concerning treating others with deference and according precedence to one individual at the expense of another.

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There are three chapters in tractate *Horayot*. Although each addresses a central topic of its own, there are matters that continue from one chapter to another. Certain topics introduced in the first chapter are discussed in the second chapter as well, and some introduced in the second chapter are discussed in the third.

Chapter One discusses the matter of the bull brought as a communal sin-offering. Among the questions are: With regard to what communal group is this *halakha* stated? What is the relationship between the court and the public? What is the definition of an unwitting transgression for which one is liable to bring an offering?

Chapter Two addresses the *halakhot* of unwitting transgressions performed by an anointed priest or the *Nasi*, i.e., the king. The discussion of the definition of an unwitting transgression for which one is liable to bring an offering continues in this chapter as well.

In Chapter Three the Gemara examines the following issues: Who is the priest known as the anointed priest, and to whom does the Torah refer with the term *Nasi*? In what circumstances are these two individuals liable to bring their unique offerings? The discussion expands to include the halakhic differences with regard to the status and precedence of various members of the Jewish people.

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Introduction to **Perek I**

And if the entire assembly of Israel shall act unwittingly, and the matter is hidden from the eyes of the congregation, and they performed one of all the mitzvot that the Lord has commanded not to be done and are guilty; when the sin in which they have sinned is known, then the congregation shall offer a young bull for a sin-offering and bring it before the tent of meeting. And the elders of the congregation shall lay their hands on the head of the bull before the Lord, and the bull shall be killed before the Lord.

(Leviticus 4:13–15)

And when you shall act unwittingly, and not observe all these mitzvot that the Lord has spoken to Moses, even all that the Lord has commanded you by the means of Moses, from the day that the Lord commanded and onward throughout your generations; then it shall be, if it was performed unwittingly, hidden from the eyes of the congregation, that all the congregation shall sacrifice one young bull for a burnt-offering, for a sweet savor unto the Lord with its meal-offering, and its libation, according to the ordinance, and one goat for a sin-offering.

(Numbers 15:22–24)

This unwitting transgression of the congregation referred to by the Torah is a case where the congregation performed the transgression on the basis of the ruling and the guidance of its leaders. Therefore, the question arises: Which is the court that establishes the erroneous ruling, and under what circumstances do these *halakhot* apply to a ruling issued by that court? Another problem is with regard to the question of the relationship between "the eyes of the congregation" and "the congregation." What is the *halakha* with regard to an individual or a congregation that performs the transgression on his or its own, and not on the basis of the ruling of the court? In the case of an erroneous ruling of the court, is the liability to bring an offering the result of issuing the ruling, or only for performing a transgression in practice?

Another series of questions relates to the definition of congregation. Is the reference to any collection of people, to an entire tribe, or perhaps to the entire Jewish people? Is the communal sin-offering brought by the court on behalf of the congregation, or is it brought by the congregation? If more than one congregation, e.g., multiple tribes, perform a transgression, does each bring its own offering?

This chapter also explores the nature of the erroneous ruling issued by the court. Is there liability for a ruling that abolishes a mitzva in the Torah, or is there liability only in a case where the court abolishes a particular detail of a mitzva that was misunderstood?

Clarification of these questions is the primary focus of this chapter, although the Gemara discusses several other matters that arise from these fundamental problems.

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מתני׳ הוֹרוּ בֵּית דִּין לַעֲבוֹר עַל אַחַת מִכָּל מִצְוֹת הָאֲמוּרוֹת בַּתּוֹרָה, וְהָלַךְ הַיָּחִיד וְעָשָׂה שׁוֹגֵג עַל פִּיהֶם, בֵּין שֶׁעָשׂוּ וְעָשָׂה עִמָּהֶן, בֵּין שֶׁעָשׂוּ וְעָשָׂה אַחֲרֵיהֶן, בֵּין שֶׁלֹּא עָשׂוּ וְעָשָׂה – פָּטוּר, מִפְּנֵי שֶׁתָּלָה בְּבֵית דִּין.

MISHNA If a **court** erroneously **issued a ruling**[H] permitting the Jewish people **to violate one of all the mitzvot that are stated in the Torah,**[N] **and an individual proceeded and performed** that transgression **unwittingly on the basis of** the court's ruling, then **whether** the judges **performed** the transgression **and he performed** it **with them,** or **whether** the judges **performed** the transgression **and he performed** it **after them,** or **whether** the judges **did not perform** the transgression **and he performed** it alone, in all these cases the individual is **exempt** from bringing an offering. This is **due to** the fact **that he associated** his action **with** the ruling of the **court.**

הוֹרוּ בֵּית דִּין, וְיָדַע אֶחָד מֵהֶן שֶׁטָּעוּ, אוֹ תַּלְמִיד וְהוּא רָאוּי לְהוֹרָאָה, וְהָלַךְ וְעָשָׂה עַל פִּיהֶן, בֵּין שֶׁעָשׂוּ וְעָשָׂה עִמָּהֶן, בֵּין שֶׁעָשׂוּ וְעָשָׂה אַחֲרֵיהֶן, בֵּין שֶׁלֹּא עָשׂוּ וְעָשָׂה – הֲרֵי זֶה חַיָּיב, מִפְּנֵי שֶׁלֹּא תָּלָה בְּבֵית דִּין. זֶה הַכְּלָל: הַתּוֹלֶה בְּעַצְמוֹ – חַיָּיב, וְהַתּוֹלֶה בְּבֵית דִּין – פָּטוּר.

If the **court issued a ruling and one of** the judges **knew**[H] **that they erred,** despite the fact that the majority ruled against his opinion, **or** if he was **a student and he** was **qualified to issue** halakhic **rulings, and** that judge or student **proceeded and performed** that transgression **on the basis of its** ruling, then **whether** the judges **performed** the transgression **and he performed** it **with them,** or **whether** the judges **performed** the transgression **and he performed** it **after them,** or **whether** the judges **did not perform** the transgression **and he performed** it alone, in all these cases, the judge or the student **is liable** to bring an offering. This is **due to** the fact **that he did not associate** his action **with** the ruling of the **court. This is the principle: One who associates** his action **with himself** is **liable, and one who associates** his action **with** the ruling of the **court** is **exempt.**

גמ׳ אָמַר שְׁמוּאֵל: לְעוֹלָם אֵין בֵּית דִּין חַיָּיבִין עַד שֶׁיֹּאמְרוּ לָהֶם "מוּתָּרִין אַתֶּם". רַב דִּימִי מִנְּהַרְדְּעָא אָמַר: עַד שֶׁיֹּאמְרוּ לָהֶם "מוּתָּרִין אַתֶּם לַעֲשׂוֹת"; מַאי טַעְמָא? לְפִי שֶׁלֹּא נִגְמְרָה הוֹרָאָה.

GEMARA **Shmuel says:** The judges of the **court are never liable** to bring an offering for an erroneous ruling **until they say to** those seeking a ruling: **It is permitted for you. Rav Dimi from Neharde'a says:** The judges are not liable **unless they say to** those seeking a ruling: **It is permitted for you to perform** this action.[H] **What is the reason** that Rav Dimi says that there is liability only if the judges say: To perform this action? It is **due to** the fact **that the ruling is not completed** if they say only: It is permitted, as perhaps the judges were expressing a theoretical opinion and not issuing a ruling.

אָמַר אַבָּיֵי, אַף אֲנַן נָמֵי תָּנֵינָא: חָזַר לְעִירוֹ, שָׁנָה וְלִימֵּד כְּדַרְכּוֹ שֶׁלִּימֵּד – פָּטוּר, הוֹרָה לַעֲשׂוֹת – חַיָּיב.

Abaye said: We learn proof for Rav Dimi's opinion in a mishna **as well.** The mishna teaches with regard to a rebellious elder (*Sanhedrin* 86b): If the Sanhedrin ruled contrary to the ruling of the elder and the elder then **returned to his city,**[B] and nevertheless **he taught**[H] **in the manner that he was teaching** previously, he is **exempt** from punishment. But if he **instructed** others **to act** on the basis of his ruling that stands contrary to the ruling of the Sanhedrin, he is **liable** to be executed.

HALAKHA

If a court issued a ruling, etc. – הוֹרוּ בֵּית דִּין וכו׳: If the Sanhedrin erroneously issues a ruling to permit performance of a transgression for which an individual would be liable to bring a fixed, as opposed to a sliding-scale, sin-offering if he performed it unwittingly, and after the court issued the ruling the people performed the transgression on the basis of the ruling of the court, and then the judges discovered that they erred, the court is liable to bring a special sin-offering. The rest of the people are exempt from bringing individual sin-offerings, even though they performed the transgression, because they associated their action with the court (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1).

If the court issued a ruling and one of the judges knew, etc. – הוֹרוּ בֵּית דִּין וְיָדַע אֶחָד מֵהֶן וכו׳: If the court issued a ruling to permit a prohibited action and one judge, or less than a majority of the judges, knew that it erred, but remained silent, then since the court issued the ruling and there was no dissenting opinion, and the ruling led the majority of the people to perform a transgression, the court is liable to bring an offering. If those judges who were aware of the erroneous ruling and remained silent perform the transgression on the basis of the ruling of the majority, they are liable, because they did not associate their action with the ruling of the court (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:1).

Unless they say to them, it is permitted for you to perform this action – עַד שֶׁיֹּאמְרוּ לָהֶם מוּתָּרִין אַתֶּם לַעֲשׂוֹת: When is the court liable to bring an offering and the rest of the people are exempt? In a case where the judges concluded their ruling with the explicit instruction: It is permitted for you to perform the action. If they did not say: It is permitted for you to perform the action, then even if those who heard the ruling of the judges proceeded and performed the transgression on the basis of their ruling, those people are liable to bring an individual sin-offering and the judges are exempt, because they did not explicitly instruct the people to perform the action. This is in accordance with the statement of Rav Dimi of Neharde'a (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:2; 13:1).

He returned to his city and he taught, etc. – חָזַר לְעִירוֹ שָׁנָה וכו׳: A rebellious elder is not liable to be executed unless he instructs others to perform a transgression on the basis of his ruling. If he is a Torah scholar who teaches others his understanding of the matter but does not instruct them to perform the transgression on the basis of that understanding, he is liable, in accordance with the mishna from tractate *Sanhedrin* cited in the Gemara (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 3:5–6).

NOTES

Of all the mitzvot that are stated in the Torah – מִכָּל מִצְוֹת הָאֲמוּרוֹת בַּתּוֹרָה: Everyone agrees that this formulation is not precise, as the court is liable to bring an offering only for rulings that call for the violation of certain mitzvot. Apparently, the *tanna* opted to employ this language because it reflects the language of the verse: "One of any of the mitzvot of the Lord that shall not be performed" (see, e.g., Leviticus 4:2). The *tanna* added the phrase: That are stated in the Torah, to exclude mitzvot initiated by the king, mitzvot by rabbinic law, and decrees issued by the Sages (*Be'er Sheva*).

BACKGROUND

Returned to his city – חָזַר לְעִירוֹ: The reference is to a rebellious elder, an ordained Sage who serves as a member of the Sanhedrin, who issued a ruling contrary to the ruling of his fellow judges and acted or instructed others to act on the basis of his ruling, with regard to a prohibition for whose intentional violation one is liable to receive *karet* and for whose unwitting violation one is liable to bring a sin-offering. He was then taken to the courts in Jerusalem, and ultimately appeared before the city's Sanhedrin. If the Sanhedrin ruled contrary to his ruling, then although it is permitted for him to disagree with the Sanhedrin's ruling, he is required to accede to it, and it is prohibited for him to instruct others to act contrary to it. If he instructed others to follow his ruling and disobey the ruling of the Sanhedrin, he is deemed a rebellious elder and is liable to be executed through strangulation.

The execution of a rebellious elder was performed during one of the three pilgrimage Festivals, when the multitudes assembled in Jerusalem, so that it would effectively deter others from rebelling against the court, as it is written: "And all the people shall hear and fear, and shall not sin intentionally" (Deuteronomy 17:13).

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HALAKHA

The court issued a ruling that it is permitted to eat forbidden fat and the forbidden fat became confused for him with permitted fat – הוֹרוּ בֵּית דִּין שֶׁחֵלֶב מוּתָּר וְנִתְחַלֵּף לוֹ חֵלֶב בְּשׁוּמָּן: In the case of one who is unaware that the court issued an erroneous ruling, and he intended to eat permitted fat but unwittingly ate the forbidden fat that the court ruled was permitted, he is liable to bring an offering, because his eating of the fat was his own unwitting act, and he did not associate his action with the court. This is in accordance with the opinion of Rabbi Yoḥanan, as the *halakha* is ruled in accordance with his opinion in his disputes with Rav (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:5).

BACKGROUND

Forbidden fat and permitted fat – חֵלֶב וְשׁוּמָּן: Although forbidden fat and permitted fat are virtually identical physiologically, there is a halakhic distinction between them. Forbidden fat is concentrations of fat in certain places in the animal's body, where it stands as an independent entity and is not attached to muscle. The Gemara characterizes it as: An even layer, covered with a membrane, and easily peeled (*Ḥullin* 49b). Once a piece of fat is removed from its place in the body, it is impossible to ascertain whether it is permitted fat or forbidden fat.

אֲמַר רַבִּי אַבָּא, אַף אֲנַן נַמִּי תָּנֵינָא: הוֹרוּ לָהּ בֵּית דִּין לְהִנָּשֵׂא, וְהָלְכָה וְקִלְקְלָה – חַיֶּיבֶת בְּקָרְבָּן, שֶׁלֹּא הִתִּירוּ לָהּ אֶלָּא לְהִנָּשֵׂא.

Rabbi Abba said: We learn proof for Rav Dimi's opinion in a mishna **as well.** The mishna teaches (*Yevamot* 87b): If the **court instructed** a woman **to marry** on the basis of inaccurate testimony, **but she proceeded and disgraced** herself and engaged in promiscuous intercourse, she is **liable to** bring **an offering, as they permitted her only to marry,** and her conduct lacked the approval of the court. This indicates that it is not sufficient for the court to issue a general ruling to the woman; rather, the court issues a ruling that includes instruction to perform a specific action.

אֲמַר רָבִינָא, אַף אֲנַן נַמִּי תָּנֵינָא: הוֹרוּ בֵּית דִּין לַעֲבוֹר עַל אַחַת מִכָּל מִצְוֹת הָאֲמוּרוֹת בַּתּוֹרָה, תּוּ לָא מִידֵּי.

Ravina said: We learn proof for Rav Dimi's opinion in the mishna here, **as well:** If **a court** unwittingly **issued a ruling** permitting the Jewish people **to violate one of all the mitzvot that are stated in the Torah,** etc.; and **nothing more** need be said, as it is clear from the phrase: Issued a ruling to violate, that the ruling must include instruction to perform a specific action.

אִיכָּא דְּאָמְרִי, אָמַר שְׁמוּאֵל: אֵין בֵּית דִּין חַיָּיבִין עַד שֶׁיֹּאמְרוּ לָהֶם "מוּתָּרִים אַתֶּם לַעֲשׂוֹת". רַב דִּימִי מִנְּהַרְדְּעָא אָמַר: אֲפִילּוּ "מוּתָּרִים אַתֶּם" – נִגְמָרָה הוֹרָאָה. אֲמַר אַבַּיֵי, וְהָא לָא תְּנַן הָכִי: חָזַר לְעִירוֹ, וְשָׁנָה אוֹ לִימֵּד כְּדַרְכּוֹ שֶׁלִּימֵּד – פָּטוּר, הוֹרָה לַעֲשׂוֹת – חַיָּיב.

Some say there is a version of this amoraic dispute with the opposite opinions. **Shmuel says:** The judges of the **court are not liable** to bring an offering for an erroneous ruling **until they say to** those seeking a ruling: **It is permitted for you to perform** this action. **Rav Dimi from Neharde'a says: Even** if the judges say to those seeking a ruling: **It is permitted for you,** the **ruling is completed** and they are liable. **Abaye said: But isn't** it so that **we did not learn** in accordance with the opinion of Rav Dimi in a mishna with regard to a rebellious elder: If the Sanhedrin ruled contrary to the ruling of the elder and the elder then **returned to his city, and** nevertheless **he taught in the manner that he was teaching** previously, he is **exempt** from punishment. But if he **instructed** others **to act** on the basis of his ruling that stands contrary to the ruling of the Sanhedrin, he is **liable** to be executed.

אֲמַר רַבִּי אַבָּא, וְהָא לָא תְּנַן הָכִי: הוֹרוּ לָהּ בֵּית דִּין לְהִנָּשֵׂא, וְהָלְכָה וְקִלְקְלָה – חַיֶּיבֶת בְּקָרְבָּן, שֶׁלֹּא הִתִּירוּ לָהּ אֶלָּא לְהִנָּשֵׂא.

Rabbi Abba said: But isn't it so that **we did not learn** in accordance with the opinion of Rav Dimi in a mishna: If the **court instructed** a woman **to marry** on the basis of inaccurate testimony, **but she proceeded and disgraced** herself and engaged in promiscuous intercourse, she is **liable to** bring **an offering, as they permitted her only to marry,** and her conduct lacked the approval of the court.

אֲמַר רָבִינָא, וְהָא לָא תְּנַן הָכִי: הוֹרוּ בֵּית דִּין לַעֲבוֹר עַל אַחַת מִכָּל מִצְוֹת הָאֲמוּרוֹת בַּתּוֹרָה, תּוּ לָא מִידֵּי.

Ravina said: But isn't it so that **we did not learn** in accordance with the opinion of Rav Dimi in the mishna: If **a court** unwittingly **issued a ruling** permitting the Jewish people **to violate one of all the mitzvot that are stated in the Torah,** etc.; and **nothing more** need be said.

"וְהָלַךְ הַיָּחִיד וְעָשָׂה שׁוֹגֵג עַל פִּיהֶם". וְנִיתְנֵי: וְעָשָׂה עַל פִּיהֶם, שׁוֹגֵג לָמָּה לִי? אֲמַר רָבָא: "שׁוֹגֵג" – לְאַתּוּיֵי הוֹרוּ בֵּית דִּין שֶׁחֵלֶב מוּתָּר, וְנִתְחַלֵּף לוֹ חֵלֶב בְּשׁוּמָּן וַאֲכָלוֹ – פָּטוּר, "עַל פִּיהֶם" – עַל פִּיהֶם מַמָּשׁ.

§ The mishna teaches: **And the individual proceeded and performed** that transgression **unwittingly on the basis of** the court's ruling. The Gemara asks: **And let us teach** only: **And performed** that transgression **on the basis of** the court's ruling; **why do I** need to add: **Unwittingly?** Obviously, it was unwitting, as he thought his action was permitted. **Rava said:** The term **unwittingly** serves **to include** a case where **the court issued a ruling that** it is **permitted** to eat forbidden **fat, and** the forbidden **fat became confused for him with** permitted **fat,**[HB] **and he ate it** under the impression that he was eating permitted fat. In this case he is **exempt.** Then, when the mishna says: **On the basis of** the court's ruling, it means that he ate forbidden fat **actually on the basis of** the court's ruling.

וְאִיכָּא דְּאָמְרִי, אֲמַר רָבָא: שׁוֹגֵג עַל פִּיהֶם הוּא דְּפָטוּר, אֲבָל נִתְחַלֵּף לוֹ חֵלֶב בְּשׁוּמָּן וַאֲכָלוֹ – חַיָּיב.

And some say that **Rava said** a different interpretation of the mishna: **It is** specifically in a case where the individual proceeded and performed that transgression **unwittingly on the basis of** the court's ruling **that** he is **exempt. But** if the forbidden **fat became confused for him with** permitted **fat and he ate it** under the impression that he was eating permitted fat, he is **liable** to bring an offering, because his unwitting transgression of eating forbidden fat was not associated solely with the ruling of the court.

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מִילְּתָא דִּפְשִׁיטָא לֵיהּ לְרָבָא, קָמִיבָּעְיָא לֵיהּ לְרָמִי בַּר חָמָא. דְּבָעֵי רָמִי בַּר חָמָא: הוֹרוּ בֵּית דִּין שֶׁחֵלֶב מוּתָּר, וְנִתְחַלֵּף לוֹ בְּשׁוּמָּן וַאֲכָלוֹ, מַהוּ?

The Gemara comments: **The matter that** is **obvious to Rava,** that one who confuses between forbidden fat and permitted fat is either exempt, according to the first version, or liable, according to the second version, **was raised as a dilemma for Rami bar Ḥama, as Rami bar Ḥama raised a dilemma:** If **a court ruled that** forbidden **fat is permitted, and** the forbidden fat **became confused for him with** permitted **fat and he ate** the forbidden fat, **what is** the *halakha*?

אֲמַר רָבָא, תָּא שְׁמַע: הָלַךְ יָחִיד וְעָשָׂה שׁוֹגֵג עַל פִּיהֶם כּוּ', שׁוֹגֵג עַל פִּיהֶם לָמָּה לִי? לָאו לְאַתּוּיֵי הוֹרוּ בֵּית דִּין שֶׁחֵלֶב מוּתָּר, וְנִתְחַלֵּף לוֹ חֵלֶב בְּשׁוּמָּן וַאֲכָלוֹ – פָּטוּר. דִּלְמָא שׁוֹגֵג עַל פִּיהֶם הוּא דְּפָטוּר, אֲבָל נִתְחַלֵּף לוֹ חֵלֶב בְּשׁוּמָּן וַאֲכָלוֹ – חַיָּיב.

Rava said: Come and **hear** proof from the mishna: The **individual proceeded and performed** that transgression **unwittingly on the basis of** the court's ruling, **etc. Why do I** need the redundancy: **Unwittingly on the basis of** the court's ruling? Is the redundancy **not** stated **to include** a case where the **court issued a ruling that** it is **permitted** to eat forbidden **fat, and** the forbidden **fat became confused for him with** permitted **fat, and he ate it** under the impression that he was eating permitted fat, and the mishna is teaching that he is **exempt?** The Gemara rejects this: **Perhaps** the intent of the mishna is: **It is** in a case where one performed that transgression **unwittingly on the basis of its** ruling **that** he is **exempt; but** if the forbidden **fat became confused for him with** permitted **fat, and he ate** it under the impression that he was eating permitted fat, he is **liable.**

אִיכָּא דְּאָמְרִי: אֲמַר רָבָא, תָּא שְׁמַע: הָלַךְ יָחִיד וְעָשָׂה שׁוֹגֵג עַל פִּיהֶם; מַאי לָאו שׁוֹגֵג עַל פִּיהֶם הוּא דְּפָטוּר, אֲבָל נִתְחַלֵּף לוֹ חֵלֶב בְּשׁוּמָּן וַאֲכָלוֹ – חַיָּיב. דִּלְמָא אוֹ שׁוֹגֵג, אוֹ עַל פִּיהֶם.

Some say that **Rava said: Come** and **hear** proof from the mishna: The **individual proceeded and performed** that transgression **unwittingly on the basis of** the court's ruling. **What, is it not** in a case where one performed that transgression **unwittingly on the basis of its** ruling **that** he is **exempt; but** if the forbidden **fat became confused for him with** permitted **fat, and he ate** the forbidden fat, he is **liable?** The Gemara rejects this: **Perhaps** the mishna is saying that he is liable if he **either** confused forbidden fat with permitted fat and ate the forbidden fat **unwittingly, or** ate the forbidden fat **on the basis of** the court's ruling.

בִּפְלוּגְתָּא: הוֹרוּ בֵּית דִּין שֶׁחֵלֶב מוּתָּר, וְנִתְחַלֵּף לוֹ חֵלֶב בְּשׁוּמָּן וַאֲכָלוֹ – רַב אָמַר: פָּטוּר, וְרַבִּי יוֹחָנָן אָמַר: חַיָּיב. מֵיתִיבִי: ״מֵעַם הָאָרֶץ בַּעֲשֹׂתָה״ – פָּרַט לְמֻשׁוּמָּד,

The Gemara notes: This matter was already taught **in the dispute** between *amora'im* of earlier generations: If **a court ruled that** forbidden **fat is permitted, and** the forbidden **fat became confused for him with** permitted **fat and he ate** the forbidden fat, **Rav says:** He is **exempt,** as the court ruled that it is permitted, **and Rabbi Yoḥanan says:** He is **liable,** as he did not base his conduct on its ruling. The Gemara **raises an objection** to the statement of Rabbi Yoḥanan from a *baraita* that teaches: The verse states: "And if one soul **from among the common people** shall sin unwittingly **in performing** one of the mitzvot of the Lord that are not to be done, and he is guilty" (Leviticus 4:27). This serves **to exclude an apostate.**[HB] When an apostate sins unwittingly, he is exempt from liability to bring a sin-offering even if he repents, as even his unwitting action is considered intentional.

רַבִּי שִׁמְעוֹן בֶּן יוֹסֵי אוֹמֵר מִשּׁוּם רַבִּי שִׁמְעוֹן: אֵינוֹ צָרִיךְ, הֲרֵי הוּא אוֹמֵר ״אֲשֶׁר לֹא תֵעָשֶׂינָה בִּשְׁגָגָה וְאָשֵׁם אוֹ הוֹדַע״, הָשַׁב מִידִיעָתוֹ – מֵבִיא קָרְבָּן עַל שִׁגְגָתוֹ, לֹא שָׁב מִידִיעָתוֹ – אֵינוֹ מֵבִיא קָרְבָּן עַל שִׁגְגָתוֹ;

Rabbi Shimon ben Yosei says in the name of Rabbi Shimon: It is unnecessary to derive this *halakha* from that phrase, **as it says** in the same verse: "Shall sin **unwittingly** in performing one of the mitzvot of the Lord **that are not to be done, and he is guilty; or** if his sin, which he has sinned, **be known** to him" (Leviticus 4:27–28). From the words "be known to him" it is inferred that only **one who repents due to his awareness,** i.e., he would not have sinned if he had known the act was prohibited, **brings a sacrifice for his unwitting** transgression in order to achieve atonement. But one who does **not repent due to his awareness** that he sinned, e.g., an apostate, who would have sinned even had he been aware that the act is prohibited, **does not bring an offering for his unwitting** action.

וְאִם אִיתָּא, הָא לֹא שָׁב מִידִיעָתוֹ הוּא!

The Gemara asks: **And if it is so** that one who would not repent due to his awareness is exempt, **isn't** this person who confused forbidden fat with permitted fat considered one who will **not repent due to his awareness?** Even if he discovers that he ate forbidden fat he will not regret his action, as he relies on the ruling of the court that forbidden fat is permitted. This contradicts the statement of Rabbi Yoḥanan, who says that one is liable in that case.

HALAKHA

To exclude an apostate – פָּרַט לְמֻשׁוּמָּד: If an apostate Jew, who engages in idol worship or desecrates Shabbat in public, seeks to bring an offering, his offering is not accepted. If he is an apostate with regard to specific transgressions, his atonement offerings for those transgressions are not accepted (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 3:7 and *Hilkhot Ma'aseh HaKorbanot* 3:4).

BACKGROUND

Apostate – מֻשׁוּמָּד: Apostasy is literally abandonment of one's religion. How far must one go in rejecting the Torah in order to be deemed an apostate is subject to dispute. The Rambam (*Sefer HaMadda*, *Hilkhot Teshuva* 3:9) delineates two categories of apostates: An apostate with regard to a single mitzva and an apostate with regard to the entire Torah. Individuals in the first category intentionally and repeatedly commit a specific transgression. They are deemed apostates even if they commit a relatively minor transgression, since by doing so consistently, they essentially eradicate that mitzva from the Torah. Nevertheless, the Rambam distinguishes between one who performs the transgression to satiate his appetite, e.g., to eat unslaughtered animal carcasses, and one who does so to express insolence toward God.

An apostate with regard to the entire Torah is one who renounces his faith and adopts another religion. The Rambam writes that this applies even to one who has a sense that the Jews are downtrodden and thinks that he would benefit from joining the dominant culture.

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אֲמַר רַב פַּפָּא, קָסָבַר רַבִּי יוֹחָנָן: כֵּיוָן דְּכִי מִתְיְדַע לְהוּ לְבֵי דִינָא הָדְרִי בְּהוּ וְהוּא נַמִּי הָדַר בֵּיהּ, שָׁב מִידִיעָתוֹ קָרֵינַן בֵּיהּ, וְחַיָּיב.

Rav Pappa said that **Rabbi Yoḥanan holds: Since once it becomes known to the court** that it erred, the judges will **retract their** erroneous ruling, **and** this individual will **also repent** when he discovers that he ate forbidden fat which the court erroneously permitted, **we characterize him** as **one who repents due to his awareness, and he is liable** to bring an offering.

אָמַר רָבָא: מוֹדֶה רַב, שֶׁאֵינוֹ מַשְׁלִים לְרוֹב צִבּוּר; מַאי טַעְמָא? אָמַר קְרָא: ״בִּשְׁגָגָה״, עַד שֶׁיִּהוּ כּוּלָּן בִּשְׁגָגָה אַחַת.

Rava says: Even though Rav says the individual is exempt, and his sin is dependent on the court, **Rav concedes that** in a case where one confused forbidden fats with permitted fats, **he does not complete a majority of the congregation.**[H] The court is liable to bring an offering only when the majority of the congregation performs a transgression based on its ruling. This individual who thought the fat was permitted is not included in the majority of the congregation. **What is the reason?** It is as **the verse states:** "For all the people it was performed **unwittingly**" (Numbers 15:26), from which it is derived: There is no liability **unless they are all unwitting** in **one** and the same manner; and the action of this individual is unwitting in a different manner than the rest of the transgressors.

״בֵּין שֶׁעָשׂוּ וְעָשָׂה עִמָּהֶן״ כּוּ׳. לָמָּה לִיהּ לְמֵיתְנָא כָּל הָנֵי? בְּשִׁלָּמָא רֵישָׁא לֹא זוֹ אַף זוֹ קָתָנֵי, אֶלָּא סֵיפָא דִּלְחִיּוּבָא, אִיפְּכָא מִיבָּעֵי לִיהּ!

§ The mishna teaches: **Whether** the judges **performed** the transgression **and he performed** it **with them,** or whether the judges performed the transgression and he performed it after them, or whether the judges did not perform the transgression and he performed it alone, in all these cases the individual is exempt. The Gemara asks: **Why did** the *tanna* in the mishna need to **teach all** of **these** cases? **Granted,** in **the first clause** of the mishna, the *tanna* **teaches** the mishna employing the style: **Not** only **this** but **also that,** i.e., not only is he exempt if the judges performed the transgression with him, but he is exempt even if he performed the act after the judges, and even if he alone performed the transgression. **But** in **the latter clause** of the mishna, **where** the *tanna* is teaching **liability,** the *tanna* **should have** taught **the opposite.** He should have started with the case where he is most likely to be liable, the case where the judges performed no transgression and he sinned alone.

HALAKHA

He does not complete a majority of the congregation – אֵינוֹ מַשְׁלִים לְרוֹב צִבּוּר: In the case of one who intended to eat permitted fat and unwittingly ate forbidden fat that the court erroneously permitted, since his unwitting act is not associated with the ruling, he does not combine with the sinners whose action is associated with the ruling of the court to constitute a majority of the people and render the court liable to bring an offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:5).

Perek **I**
Daf **2** Amud **b**

זוֹ וְאֵין צָרִיךְ לוֹמַר זוֹ קָתָנֵי.

The Gemara answers: In the latter clause, the *tanna* **teaches** the mishna employing the style: **This, and it is unnecessary to say that,** i.e., the cases are arranged with each case more obvious than the one that preceded it.

״וְיָדַע אֶחָד מֵהֶן שֶׁטָּעוּ אוֹ תַּלְמִיד וְרָאוּי לְהוֹרָאָה״. תַּרְתֵּי לָמָּה לִי? אֲמַר רָבָא: אִיצְטְרִיךְ, סָלְקָא דַּעְתָּךְ אָמִינָא הָנֵי מִילֵּי גָּמִיר וְסָבִיר, אֲבָל גָּמִיר וְלָא סָבִיר – לָא.

§ The mishna teaches: **And one of** the judges **knew that they erred, or** if he was **a student and** he is **qualified to issue** halakhic **rulings.** The Gemara asks: **Why do I** need **two** cases? As a student qualified to issue halakhic rulings is the equivalent of one of the judges, why did the *tanna* mention both? **Rava said: It was necessary** to state both, as it may **enter you mind to say** that **this statement** that he is liable applies specifically to one who is **learned and analytical, but** that one who is **learned but not analytical, no,** he should not be liable to bring an offering. Therefore, the *tanna* cites both the case of a judge and the case of a student qualified to issue halakhic rulings, to teach that even one who is learned but not analytical is liable in this case.

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אֲמַר לֵיהּ אַבַּיֵי: ״לְהוֹרָאָה״ – גָּמִיר וְסָבִיר מַשְׁמַע! אֱמַר לֵיהּ, אֲנָא הָכִי קָאָמִינָא: אִי מֵהַהִיא – הַוָּה אָמִינָא הָנֵי מִילֵּי גָּמִיר וְסָבִיר, אֲבָל גָּמִיר וְלָא סָבִיר – לָא, תָּנָא ״רָאוּי לְהוֹרָאָה״, מִמִּשְׁנָה יְתֵירָה – אֲפִילּוּ גָּמִיר וְלָא סָבִיר, סָבִיר וְלָא גָּמִיר.

Abaye challenged this and **said to** Rava that the term: A student qualified **to issue** halakhic **rulings, indicates** that he is both **learned and analytical.** Rava **said to** Abaye: **This** is what **I am saying: If** the *tanna* had taught the *halakha* **from that** first *halakha* with regard to one of the judges, **I would say** that **this statement** applies only to one who is both **learned and analytical, but** if he was **learned and not analytical, no,** he would not be liable. Therefore, the *tanna* **taught** the additional case of a student **qualified to issue** halakhic **rulings,** and **from** the **extraneous** case in the **mishna** one can infer that the *halakha* applies **even** to one who is **learned but not analytical**[H] or one who is **analytical but not** yet **learned.** Since he associates his action with himself, he is liable.

״רָאוּי לְהוֹרָאָה״ וכו׳. כְּגוֹן מַאן? אֱמַר רָבָא: כְּגוֹן שִׁמְעוֹן בֶּן עַזַּאי וְשִׁמְעוֹן בֶּן זוֹמָא. אֲמַר לֵיהּ אַבַּיֵי: כִּי הַאי גַּוְונָא מֵזִיד הוּא!

§ The mishna teaches: **Qualified to issue** halakhic **rulings.** The Gemara asks: **Like whom?** Who is an example of one qualified to issue halakhic rulings? **Rava said:** It is one **like Shimon ben Azzai**[P] **or Shimon ben Zoma,**[P] who, although they were among the most outstanding Torah scholars of their generation, were not ordained. **Abaye said to** Rava: In **a case like this, he is an intentional** sinner,[H] as a scholar of that caliber would certainly not err. If he ruled that a prohibited action is permitted, it is assumed that he acted with intent, and he is exempt from bringing an offering.

וּלְטַעֲמִיךְ, הָא דְּתָנֵיא: ״בַּעֲשֹׂתָה אַחַת״, יָחִיד הָעוֹשֶׂה מִפִּי עַצְמוֹ – חַיָּיב, בְּהוֹרָאַת בֵּית דִּין – פָּטוּר, כֵּיצַד? הוֹרוּ בֵּית דִּין שֶׁחֵלֶב מוּתָּר, וְנוֹדַע לְאֶחָד מֵהֶן שֶׁטָּעוּ, אוֹ תַּלְמִיד יוֹשֵׁב לִפְנֵיהֶן וְרָאוּי לְהוֹרָאָה כְּגוֹן שִׁמְעוֹן בֶּן עַזַּאי, יָכוֹל יְהֵא פָּטוּר? תַּלְמוּד לוֹמַר: ״בַּעֲשֹׂתָה אַחַת״, יָחִיד הָעוֹשֶׂה עַל פִּי עַצְמוֹ – חַיָּיב, בְּהוֹרָאַת בֵּית דִּין – פָּטוּר!

Rava said to Abaye: **But according to your reasoning, that which is taught** in a *baraita* that cites the verse: **“In performing one”** (Leviticus 4:27), from which it is derived that **an individual who performs** a transgression **on his own is liable,** while one who performs a transgression based **on the ruling of** the **court is exempt; how** so? When does this apply? If the **court ruled that** forbidden **fat is permitted, and it became known to one of** the judges **that they erred, or** if he was **a student** who was **sitting before them and he is qualified to issue** halakhic **rulings, e.g., Shimon ben Azzai, might** one have thought that **he would be exempt?** To counter this, **the verse states: “In performing one,”** from which it is derived that **an individual who performs** a transgression **on his own is liable,** while one who performs a transgression **on** the basis of **the ruling of** the **court is exempt.**

HALAKHA

Even one who is learned but not analytical, etc. – אֲפִילּוּ גָּמִיר וְלָא סָבִיר וכו׳: When is one who relies on his own ruling liable? In a case where he is a Torah scholar or a student capable of issuing halakhic rulings. If he was an ignoramus he is exempt, because his knowledge in ritual matters is incomplete. Some explain that apparently the Rambam characterizes one who is learned but not analytical or analytical but not learned as capable of issuing halakhic rulings, though he may not in fact issue rulings. The *Arukh HaShulḥan* states that the Rambam had a different version of the text of the Gemara (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 3:5).

In a case like this he is an intentional sinner – כִּי הַאי גַּוְונָא מֵזִיד הוּא: If the court issued an erroneous ruling, and the congregation knew the court erred but performed the transgression on the basis of the court’s ruling anyway, both the court and the people are exempt from bringing an offering. The court is exempt because the congregation did not associate their action with the ruling of the court, and the people are exempt from bringing a sin offering for an unintentional sin because they performed the transgression intentionally (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:6).

PERSONALITIES

Ben Azzai – בֶּן עַזַּאי: This is Shimon ben Azzai, one of the *tanna’im* in Yavne. He was never ordained, which is the reason he is called by his name alone, without a title. He is usually referred to simply as ben Azzai. He was considered one of the outstanding Sages of the Talmud, and his wisdom was celebrated for many generations. Apparently, he did not study Torah in his youth until he met Rabbi Akiva’s daughter, who promised to marry him if he began doing so. Consequently, he became a pupil of Rabbi Yehoshua and Rabbi Yishmael, and was the primary student and even a disciple-colleague of Rabbi Akiva, whom he considered to be the preeminent Sage of his generation in Eretz Yisrael.

It is unclear whether ben Azzai never married, or whether he married Rabbi Akiva’s daughter and left her a short time later due to his overwhelming desire to study Torah. He devoted himself completely to this pursuit, as can be seen in the mishna (*Sota* 49a), which teaches: Since ben Azzai died, there are no more diligent people. His halakhic and aggadic statements are found in the Mishna, in *baraitot*, and in the Gemara. Apparently, he had several disciples in Tiberias, his city of residence. Ben Azzai engaged in the study of esoterica and is one of the four who entered the mystical orchard. It is taught in a *baraita* (*Ḥagiga* 14b): He peeked and died. The verse: “Precious in the sight of the Lord is the death of His saints” (Psalms 116:15), was cited in reference to his death.

Ben Zoma – בֶּן זוֹמָא: This is the *tanna* Shimon ben Zoma. Ben Zoma was a contemporary of Rabbi Akiva, but apparently died young and was never ordained, which is the reason he is called by his name alone, without a title. He is usually referred to simply as ben Zoma. He was considered one of the greatest scholars of his generation, and the Gemara relates that he was fluent in seventy languages. He was especially gifted at homiletics, to the extent that the mishna teaches (*Sota* 49a): Since ben Zoma died, the homiletic interpreters of the Bible are no more.

Along with Rabbi Akiva, ben Zoma is one of the four who entered the mystical orchard to engage in the esoterica of the Torah. According to the Gemara, of the four, only Rabbi Akiva emerged intact. It is taught in a *baraita* (*Ḥagiga* 14b): Ben Zoma peeked and was harmed, indicating that he became insane. Apparently, he died soon thereafter. Nothing is known of his family, his origins, or other details of his life.

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אֶלָּא הֵיכִי מַשְׁכַּחַת לָהּ? כְּגוֹן דְּיָדַע דְּאָסוּר, וְקָא טָעֵי בְּמִצְוָה לִשְׁמוֹעַ דִּבְרֵי חֲכָמִים. לְדִידִי נַמִי, דְּטָעוּ בְּמִצְוָה לִשְׁמוֹעַ דִּבְרֵי חֲכָמִים.

Rava continues: **Rather,** the *baraita* is difficult; **how can you find these** circumstances where a judge or a prominent Torah scholar would be considered an unwitting sinner? The Gemara answers: It is in a case **where** the judge or the scholar **knew that** the action with regard to which the court issued a ruling that it is permitted is in fact **prohibited, but he erred with regard to the mitzva of heeding**[N] **the statements of the Sages.**[H] He believed that there is a mitzva to heed the directives of the Sages even when he is certain that they are mistaken. If so, **according to my** understanding **too,** the reference is to one like Shimon ben Azzai or Shimon ben Zoma; it is also a case **where they erred with regard to the mitzva of heeding the statements of the Sages.** Due to that error, they are liable to bring an offering.

״זֶה הַכְּלָל: הַתּוֹלֶה בְּעַצְמוֹ – חַיָּיב״. לְאֵיתוּיֵי מַאי? לְאֵיתוּיֵי מְבַעֵט בְּהוֹרָאָה.

§ The mishna teaches: **This is the principle: One who associates** his action **with himself is liable.** The Gemara asks: **What** case that was not already mentioned in the mishna does this principle serve **to include?** The Gemara answers: It serves **to include** one who **disdains** halakhic **rulings**[H] in general, treating them with contempt and relying only on his own understanding.

״תּוֹלֶה בְּבֵית דִּין״ – לְאֵיתוּיֵי הוֹרוּ בֵּית דִּין וְיָדְעוּ שֶׁטָּעוּ וְחָזְרוּ בָּהֶן. הָא בְּהֶדְיָא קָתָנֵי לָהּ! תָּנֵי וְהָדַר מְפָרֵשׁ.

The mishna teaches the second part of that principle: And **one who associates** his action **with** the ruling of the **court** is exempt. The Gemara explains: This principle serves **to include** an additional case that was not yet mentioned in the mishna, namely, where the **court issued a ruling and** the judges **discovered that they erred and reversed their** decision. If one was unaware that the court reversed their decision, and acted based on their initial ruling, he is deemed one who associates his action with the ruling of the court and is exempt. The Gemara challenges: The *tanna* **teaches this** *halakha* **explicitly** in the next mishna (3a), and consequently there is no need for an allusion in this mishna. The Gemara explains: The *tanna* **teaches it** ambiguously, **and then teaches it explicitly.**

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: זוֹ דִּבְרֵי רַבִּי יְהוּדָה, אֲבָל חֲכָמִים אוֹמְרִים: יָחִיד שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּין – חַיָּיב. מַאי רַבִּי יְהוּדָה? דְּתַנְיָא: ״אִם נֶפֶשׁ אַחַת תֶּחֱטָא בִּשְׁגָגָה בַּעֲשֹׂתָהּ״ – הֲרֵי אֵלּוּ שְׁלֹשָׁה מִעוּטִין, הָעוֹשֶׂה מִפִּי עַצְמוֹ – חַיָּיב, בְּהוֹרָאַת בֵּית דִּין – פָּטוּר.

§ **Rav Yehuda says** that **Shmuel says: This** *halakha* in the mishna, which states that an individual who performs a transgression on the basis of a ruling issued by the court is exempt from liability to bring an offering, is **the statement of Rabbi Yehuda. But the Rabbis say: An individual who performs** a transgression **on** the basis of **the ruling of** the **court**[H] **is liable.** The Gemara asks: **What** is the opinion of **Rabbi Yehuda** to which Shmuel refers? It is **as it is taught** in a *baraita*: The verse states: "And **if one soul** from among the common people **shall sin unwittingly in performing** one of the mitzvot of the Lord" (Leviticus 4:27). **These are three exclusionary** terms:[N] "One," "unwittingly," and "in performing," and one of these exclusions serves to teach that **one who performs** a transgression **on his own** is **liable,** while one who performs a transgression **on** the basis of **the ruling of** the **court** is **exempt.**

NOTES

He erred with regard to the mitzva of heeding, etc. – קָא טָעֵי בְּמִצְוָה לִשְׁמוֹעַ וכו׳: He held that once the court issued a ruling one may not deviate from that ruling at all, even in a case where he believes that what the court ruled is permitted is in fact prohibited (Rashi).

Many commentaries questioned the reasoning of the Gemara. Ostensibly, the Torah commands to follow the direction of the Sages and not to deviate from their instructions, as the verse states: "According to the law which they shall teach you, and according to the judgment which they shall tell you, you shall do; you shall not turn aside from the matter that they shall declare unto you, to the right, nor to the left" (Deuteronomy 17:11). In the halakhic midrash *Sifrei*, the Sages interpreted the phrase "to the right, nor to the left" as teaching that even if the Sanhedrin says that right is left and left is right, they should be followed. They added that any qualified Sage who deviates from the ruling of the Sanhedrin, even if he believes that the ruling is mistaken, is a rebellious elder, who is liable to be executed.

Some commentaries sought to explain the Gemara on the basis of the parallel passage in the Jerusalem Talmud, which explains the verse as teaching that the Sanhedrin must be heeded: Provided that they tell you that right is right and left is left. According to this explanation, if one is certain that the ruling is erroneous, he should not follow it.

Others explain that there is no contradiction between the interpretations of the verse. On the one hand, each individual Torah scholar must accept the ruling of the court even if he believes them to be mistaken. Nevertheless, in a case where he believes that they are mistaken, he must refrain from acting upon their ruling. For example, if the Sanhedrin issued a ruling that a certain piece of forbidden fat is permitted, a Sage may not issue a ruling to the contrary, but he himself may not eat that fat. That was the unwitting transgression performed by the Torah scholar in the case in the Gemara. He believed that it was incumbent upon him to follow the ruling of the court, even to the point of performing an action that he believed was prohibited.

Three exclusionary terms – שְׁלֹשָׁה מִיעוּטִין: In tractate *Shabbat* (93a) the Gemara explains that these three exclusionary terms exclude three distinct matters: One serves to exclude an individual who performed an incomplete labor on Shabbat from liability to bring an offering; one serves to exclude an individual who performed a labor on Shabbat together with another from liability to bring an offering, even if either of them could have completed the labor himself; and one serves to exclude an individual who performed a transgression on the basis of the ruling of the court from liability to bring an offering.

HALAKHA

He erred with regard to the mitzva of heeding the statements of the Sages – טָעֵי בְּמִצְוָה לִשְׁמוֹעַ דִּבְרֵי חֲכָמִים: If the court ruled to permit a prohibition, and one performed a transgression on the basis of the ruling even though he knew the court was mistaken, and he did so because he believed that it was appropriate to heed even an erroneous ruling of the court, he is liable to bring a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:5).

To include one who disdains halakhic rulings – לְאֵתוּיֵי מְבַעֵט בְּהוֹרָאָה: One who associates his actions with his own judgment and performed the transgression not based on the ruling of the court but rather because he believed that it was permitted, is liable to bring a sin-offering. The Rambam interprets the phrase: Disdains halakhic rulings, as referring to one who says that he does need the ruling of the court because he knows that it is permitted (*Kesef Mishne*). Rashi explains that the reference is to one accustomed to disobey the court. Therefore, even in a case where the court rules that a certain action is permitted, his actions are certainly based on his own judgment (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:5).

An individual who performs a transgression on the basis of the ruling of the court – יָחִיד שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּין: If the court issued an erroneous ruling, and a minority of the people performed a transgression on the basis of its ruling, the court is exempt. Those who performed the transgression are each liable to bring an individual sin-offering, in accordance with the opinion of the Rabbis (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:1).

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מַאי רַבָּנַן? דְּתַנְיָא, עֲדַיִן אֲנִי אוֹמֵר: מִיעוּט קָהָל שֶׁחָטְאוּ חַיָּבִין, שֶׁאֵין בֵּית דִּין מְבִיאִין עַל יְדֵיהֶן פָּר, רוֹב קָהָל שֶׁחָטְאוּ יְהוּ פְּטוּרִין, שֶׁהֲרֵי בֵּית דִּין מְבִיאִין עַל יְדֵיהֶם פָּר? תַּלְמוּד לוֹמַר: "מֵעַם הָאָרֶץ" – אֲפִילּוּ רוּבָּהּ וַאֲפִילּוּ כּוּלָּהּ;

The Gemara asks: **What** is the opinion of **the Rabbis?** It is **as it is taught** in a *baraita*: **Still I say:** Each member of **a minority of the congregation that sinned** based on the ruling of a court is **liable** to bring an offering for his unwitting transgression, **as** the **court does not bring a bull** for an unwitting communal sin **on the basis of** the minority's transgression. One might have thought that each member of **a majority of** the **congregation that sinned** based on the ruling of a court **would be exempt** from liability to bring an offering for his unwitting transgression, **as** the **court brings a bull** for an unwitting communal sin **on the basis of** the majority's transgression. To counter this, **the verse states** with regard to a sin-offering brought for an unwitting transgression: "**From among the common people,**" from which it is derived that **even** members of **the majority of** the congregation, **and even** members of **the entire** congregation, are not exempt because of the ruling of the court.

בְּמַאי? אִילֵימָא בְּשִׁגְגַת מַעֲשֶׂה, [בֵּית דִּין שֶׁלֹּא בְּהוֹרָאָה], בֵּית דִּין מַאי עֲבִידְתַּיְיהוּ? שֶׁלֹּא בְּהוֹרָאַת בֵּית דִּין, בֵּית דִּין מִי מַיְיתוּ שֶׁלֹּא בְּהוֹרָאָה? אֶלָּא בְּהוֹרָאָה, וְהָא כִּי כְּתִיב "מֵעַם הָאָרֶץ" – בְּשִׁגְגַת מַעֲשֶׂה הוּא דִּכְתִיב!

The Gemara asks: **In what** circumstances did the majority of the congregation sin? **If we say** that the reference is to a transgression **with unwitting** performance of **an action** unrelated to a ruling of the court, why does the *tanna* say: As the court brings a bull for an unwitting communal sin on the basis of the majority's transgression? Given that this is a case where **a court** did **not** issue **a ruling, what action did** the **court** perform? Since it was **not on** the basis of **the ruling of** the **court, does** the **court bring** a bull for an unwitting communal sin that was performed **not on** the basis of its **ruling? Rather,** the reference in the *baraita* must be to a case where the majority of the congregation performed a transgression **on** the basis of the **ruling** of the court. If so, the question arises: **But when it is written** with regard to a sin-offering brought for an unwitting transgression: "**From among the common people,**" it is **with regard to** a transgression **with unwitting** performance **of an action that it is written.**

אֶלָּא לָאו הָכִי קָאָמַר: מִיעוּט קָהָל שֶׁחָטְאוּ בִּשְׁגִגַת מַעֲשֶׂה חַיָּבִין, שֶׁאֵין בֵּית דִּין מְבִיאִין עַל יְדֵיהֶן פָּר בְּהוֹרָאָה, הָא הֵן – חַיָּבִין,

Rather, is it not that **this** is what the *tanna* **is saying:** The *baraita* is incomplete and must be taught in this manner: Each member of **a minority of the congregation that sinned with unwitting** performance **of an action** is **liable** to bring an offering for his unwitting transgression, **as** the **court does not bring a bull** for an unwitting communal sin[B] **on the basis of** the minority's transgression **in** a case where the court issued an erroneous **ruling. But** a minority of the congregation that sinned unwittingly on the basis of the ruling of the court is also **liable.**

יָכוֹל רוֹב צִבּוּר שֶׁעָשׂוּ בִּשְׁגִגַת מַעֲשֶׂה יְהוּ פְּטוּרִין, שֶׁהֲרֵי בֵּית דִּין מְבִיאִין עֲלֵיהֶם פָּר [בְּהוֹרָאָה]? תַּלְמוּד לוֹמַר: "מֵעַם הָאָרֶץ" – אֲפִילּוּ רוּבּוֹ.

The *baraita* continues: One **might** have thought that **a majority of the congregation that** sinned **with unwitting** performance **of an action would be exempt, as** the **court brings a bull** for an unwitting communal sin **on the basis of** the majority's transgression **in** a case where the court issued an erroneous **ruling.** Therefore, **the verse states: "From among the common people,"** from which it is derived that **even** members of **the majority of** the congregation are liable. If the unwitting transgression was performed not on the basis of the ruling of the court, there is no difference between a minority and a majority of the people. This is proof that according to the Rabbis both an individual and a minority of the congregation who performed a transgression on the basis of the ruling of the court are liable.

אֲמַר רַב פַּפָּא: מִמַּאי? דִּלְמָא לֹא הֵן וְלֹא בֵּית דִּין!

Rav Pappa said: From where do you draw this conclusion? **Perhaps** in the case where a minority of the congregation performs a transgression on the basis of the ruling of the court, **neither do those** individuals bring an offering, because they associated their action with the court, **nor does** the **court** bring an offering, because it was only a minority of the congregation that performed a transgression on the basis of the ruling of the court.

BACKGROUND

A bull for an unwitting communal sin – פַּר הֶעְלֵם דָּבָר שֶׁל צִבּוּר: This bull is brought as a communal sin-offering to atone for an unwitting transgression performed by the Jewish people on the basis of an erroneous ruling issued by the Sanhedrin. Members of the Sanhedrin place their hands on the head of the offering. Like the blood of the bull brought as a sin-offering by an anointed priest, the blood of this offering is sprinkled on the Curtain between the Sanctuary and the Holy of Holies, and on the golden incense altar in the Sanctuary. The portions of the offering that are burned on the altar and the rest of the flesh, along with the hide, are burned outside Jerusalem in the place of the ashes. The Gemara discusses the circumstances that engender liability to bring this offering.

Artist's conception of the offering for an unwitting communal sin

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אִי הָכִי, מַאי אִירְיָא דְּקָמְהַדַּר עַל רוּבָּא לְחִיּוּבָא? לָאו מִכְּלָל דְּמִיעוּט בְּהוֹרָאָה קָיְימָא לֵיהּ דְּמִיחַיְיבִי בְּהוֹרָאָה, וְנֵהַדַּר בְּרֵישָׁא עַל מִיעוּטָא דְּמִיחַיַּיב בְּשִׁגְגַת מַעֲשֶׂה, וּלְבַסּוֹף נֵיהַדַּר עַל רוּבָּא לְחִיּוּבָא בְּשִׁגְגַת מַעֲשֶׂה!

The Gemara rejects this: **If so, why** does the *tanna* **specifically seek** a source with regard to **the majority for liability?** Why did the *tanna* seek to introduce the *halakha* that even if a majority of the congregation sinned they would be liable to bring an offering? Can one **not, by inference,** conclude with regard to **a minority** that acts **on** the basis of the **ruling** of the court, that **he holds that they are liable** even though they acted **on** the basis of the **ruling** of the court? According to Rav Pappa's opinion, **let** the *tanna* **first seek** to cite proof **about a minority that** each of its members is **liable** to bring a sin-offering **for unwitting** performance **of an action, and ultimately seek** to cite proof **about a majority to** establish **liability** for each of its members to bring a sin-offering **for unwitting** performance **of an action,** as it has not yet been established with regard to a minority that each of its members is liable to bring a sin-offering for unwitting performance of an action.

אֶלָּא לָאו מִדְּלָא מַהֲדַר עַל מִיעוּט דְּמִיחַיְיבִין בְּשִׁגְגַת מַעֲשֶׂה, וּבַסּוֹף מַהֲדַר עַל רוּבָּא לְחִיּוּבָא בְּשִׁגְגַת מַעֲשֶׂה, שְׁמַע מִינָּהּ מִיעוּט בְּהוֹרָאָה חַיָּיבִין הֵן כִּשְׁבָּה וּשְׂעִירָה, וְשֶׁלֹּא בְּהוֹרָאָה בְּשִׁגְגַת מַעֲשֶׂה חַיָּיבִין.

Rather, can one **not** make an inference **from** the fact **that** the *tanna* **did not** first **seek** to cite proof **about a minority that** each of its members is **liable** to bring a sin-offering **for unwitting** performance **of an action and then** seek to cite proof **about a majority to** establish **liability** for each of its members to bring a sin-offering **for unwitting** performance of **an action?** Accordingly, one can **conclude from it** that it was clear to the *tanna* that in a case of **a minority** that acts **on** the basis of the **ruling** of the court, each member of the minority is **liable** to bring **a female lamb or a female goat** as a sin-offering, **and for unwitting** performance **of an action not on** the basis of the **ruling** of the court, each member of the minority is similarly **liable.**

מִכְּדֵי תַּרְוַיְיהוּ סְתָמֵי תְּנַן, מִמַּאי דְּקַמַּיְיתָא רַבִּי יְהוּדָה וּבַתְרַיְיתָא רַבָּנַן? אֵימָא אִיפְּכָא! מַאן שָׁמַעְתְּ לֵיהּ דְּדָרֵישׁ מִיעוּטֵי כִּי הַאי גַּוְונָא? רַבִּי יְהוּדָה הִיא; דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר:

The Gemara asks: **Now, we learned both of** the *baraitot* **unattributed. From where** may it be ascertained **that** the *tanna* of **the first** *baraita* is **Rabbi Yehuda and** the *tanna* of **the latter** *baraita* is **the Rabbis? Say the opposite.** The Gemara answers: **Whom did you hear that interprets exclusionary** terms **in this way? It is Rabbi Yehuda, as it is taught** in a *baraita* that **Rabbi Yehuda says:**

Perek **I**
Daf **3** Amud **a**

״זֹאת תּוֹרַת הָעוֹלָה הִיא״ – הֲרֵי אֵלּוּ שְׁלֹשָׁה מִיעוּטִין.

"This is the law of the burnt-offering, it is that which goes up on its pyre on the altar" (Leviticus 6:2); **these are three exclusionary** terms: "This," "the burnt-offering," and "it is," which serve to exclude three offerings concerning which the *halakha* is that even if they are placed on the altar they are subsequently removed: A burnt-offering slaughtered at night, a burnt-offering whose blood was spilled before it was sprinkled, and a burnt-offering whose blood was taken outside the courtyard. Apparently, it is Rabbi Yehuda who interprets multiple exclusionary terms.

וְאִיבָּעֵית אֵימָא, ״עֲדַיִין אֲנִי אוֹמֵר״ לָא מָצֵית מוֹקְמַתְּ לָהּ כְּרַבִּי יְהוּדָה. דְּקָתָנֵי: רוֹב קָהָל שָׁחֲטוּאוּ – בֵּית דִּין מְבִיאִין עַל יְדֵיהֶן פָּר, וְאִי רַבִּי יְהוּדָה, הָאֲמַר: צִבּוּר הוּא דְּמַיְיתֵי, בֵּית דִּין לָא; דְּתָנַן, רַבִּי יְהוּדָה אוֹמֵר: שִׁבְעָה שְׁבָטִים שֶׁחָטְאוּ – מְבִיאִין שִׁבְעָה פָּרִים.

And if you wish, say that proof for the attribution of the *baraitot* may be cited from the second *baraita,* which begins with the phrase: **Still I say. You cannot interpret** that *baraita* **in accordance with** the opinion of **Rabbi Yehuda, as** the *baraita* **teaches:** One might have thought that each member of **a majority of the congregation that sinned** based on the ruling of a court is exempt from liability to bring an offering for his unwitting transgression, as the **court brings a bull** for an unwitting communal sin **on the basis of their** transgression. **And if** this *baraita* is in accordance with the opinion of **Rabbi Yehuda, didn't he say: It is the congregation that brings** the bull as an offering, and **not the court? As we learned** in a mishna (5a) that **Rabbi Yehuda says: Seven tribes that sinned bring seven bulls.** The tribes bring the offerings, not the court.

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וְרַב נַחְמָן אָמַר שְׁמוּאֵל: זוֹ דִּבְרֵי רַבִּי מֵאִיר, אֲבָל חֲכָמִים אוֹמְרִים: יָחִיד שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּין – חַיָּיב. מַאי רַבִּי מֵאִיר וּמַאי רַבָּנַן? דְּתַנְיָא: הוֹרוּ וְעָשׂוּ – רַבִּי מֵאִיר פּוֹטֵר, וַחֲכָמִים מְחַיְּיבִין;

§ Up to this point, the Gemara explained the mishna in accordance with the opinion of Rabbi Yehuda and contrary to the opinion of the Rabbis, who disagree with him. **And Rav Naḥman** says that **Shmuel says:** The mishna **is the statement of Rabbi Meir, but the Rabbis say: An individual who performed** a transgression **on** the basis of **the ruling of** the **court** is **liable.** The Gemara asks: **What** is the opinion of **Rabbi Meir and what** is the opinion of **the Rabbis** to which Shmuel referred? It is **as it is taught** in a *baraita*: If the court **issued a ruling and** the judges **performed** a transgression on the basis of that ruling, **Rabbi Meir deems** them **exempt and the Rabbis deem** them **liable.**

מַאן עָשׂוּ? אִילֵימָא בֵּית דִּין, מַאי טַעְמָא דְּרַבָּנַן דְּמְחַיְּיבִי? וְהָתַנְיָא: יָכוֹל הוֹרוּ בֵּית דִּין וְעָשׂוּ בֵּית דִּין, יָכוֹל יְהוּ חַיָּיבִין? תַּלְמוּד לוֹמַר: ״הֻסְתָּר וְעָשׂוּ״ – מַעֲשֶׂה תָּלוּי בְּקָהָל, וְהוֹרָאָה תְּלוּיָה בְּבֵית דִּין!

The Gemara asks: **Who performed** the transgression? **If we say** that it is the members of the **court** who performed the transgression, **what is the reasoning of the Rabbis, who deem** him **liable? But isn't it taught** in a *baraita*: One **might** have thought that if the **court issued a ruling and** the members of the **court performed** the transgression, one **might** have thought **they** would **be liable** to bring a bull for an unwitting communal sin. **The verse states** with regard to that bull: "And the matter is hidden from the eyes of **the congregation and they performed"** (Leviticus 4:13), from which it is derived that the **action is dependent on the congregation**[H] **and** the **ruling is dependent on** the **court.**[N]

אֶלָּא הוֹרוּ בֵּית דִּין וְעָשׂוּ רוֹב קָהָל, מַאי טַעְמָא דְּרַבִּי מֵאִיר דְּפוֹטֵר? אֶלָּא לָאו הוֹרוּ בֵּית דִּין וְעָשׂוּ מִיעוּט קָהָל, וּבְהָא קָמִיפַּלְגִי, מָר סָבַר: יָחִיד שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּין – פָּטוּר, וּמָר סָבַר: יָחִיד שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּין – חַיָּיב.

Rather, the case in the *baraita* is where the **court issued a ruling and the majority of the congregation performed** a transgression on the basis of that ruling. If so, **what is the reasoning of Rabbi Meir, who deems** them **exempt? Rather, is it not** referring to a case where the **court issued a ruling and a minority of the congregation performed** a transgression on the basis of that ruling, **and** it is **with regard to this** matter that the *tanna'im* **disagree:** One **Sage,** Rabbi Meir, **holds: An individual who performed** a transgression **on** the basis of **the ruling of** the **court** is **exempt; and** one **Sage,** the Rabbis, **holds: An individual who performed** a transgression **on** the basis of **a ruling of** the **court** is **liable.** The mishna, which states that an individual who performs a transgression on the basis of a ruling of the court is exempt, is in accordance with the opinion of Rabbi Meir.

אָמַר רַב פַּפָּא: דְּכוּלֵי עָלְמָא – יָחִיד שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּין פָּטוּר, אֶלָּא בֵּית דִּין מַשְׁלִים לְרוֹב צִבּוּר קָמִיפַּלְגִי,

Rav Pappa said: There is no proof that the dispute between Rabbi Meir and the Rabbis relates to the mishna, as their dispute can be understood differently. Perhaps **everyone agrees** that **an individual who performed** a transgression **on** the basis of **the ruling of** the **court** is **exempt. Rather,** the *tanna'im* **disagree** with regard to whether the members of the **court** combine with the members of the congregation to **complete a majority of** the **congregation.** The members of the congregation who sinned constitute less than a majority. When the judges of the court who sinned are added to that minority, the total of people who sinned constitute a majority.

מָר סָבַר: בֵּית דִּין מַשְׁלִים לְרוֹב צִבּוּר, וּמָר סָבַר: אֵין בֵּית דִּין מַשְׁלִים לְרוֹב צִבּוּר.

He explains: One **Sage,** the Rabbis, **holds:** The members of **the court** combine with the members of the congregation to **complete a majority of** the **congregation. And** one **Sage,** Rabbi Meir, **holds:** The members of the **court do not** combine with the members of the congregation to **complete a majority of** the **congregation;**[H] therefore, those who sinned on the basis of the ruling of the court constitute less than a majority and the court is exempt from liability to bring an offering. The mishna is not only in accordance with the opinion of Rabbi Meir, as in the case of the mishna, but even the Rabbis agree.

וְאִיבָּעֵית אֵימָא: הוֹרוּ בֵּית דִּין וְעָשׂוּ רוּבּוֹ שֶׁל קָהָל, וּמַאן חֲכָמִים? רַבִּי שִׁמְעוֹן הִיא, דְּאָמַר: צִבּוּר מֵיתֵי וּבֵית דִּין מַיְיתֵי.

And if you wish, say instead that the dispute between Rabbi Meir and the Rabbis is in a case where the **court issued a ruling and a majority of the congregation performed** a transgression on the basis of that ruling, and everyone agrees that the court is liable to bring a bull as an offering for an unwitting communal sin. Rabbi Meir deems the members of the congregation exempt from bringing an offering. **And who are the Rabbis** who deem them liable to bring an offering? **It is Rabbi Shimon, who said:** The **congregation brings** an offering **and** the **court brings** an offering.

HALAKHA

The action is dependent on the congregation, etc. – מַעֲשֶׂה תָּלוּי בַּקָּהָל וכו׳: If the court issued an erroneous ruling and permitted a prohibition for which one is liable to bring a sin-offering for its unwitting violation, and a majority of the people performed the transgression on the basis of the ruling of the court, the court is liable to bring a sin-offering for their erroneous ruling, even if the judges did not perform the transgression. In this matter, the determining factor is the ruling of the court, not its actions (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1).

The members of the court do not combine with the congregation to complete a majority of the congregation – אֵין בֵּית דִּין מַשְׁלִים לְרוֹב צִבּוּר: If the judges of the Sanhedrin performed the transgression on the basis of their own erroneous ruling, they do not complete the majority of the congregation. They are liable only if a majority of the people, not including the judges, performed the transgression, in accordance with the explanation of Rav Pappa and the opinion of the Rabbis. Even though Rav Pappa made his statement as a refutation, the Rambam holds that he would not have stated it if it were not the *halakha* (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:2 and *Kesef Mishne* there).

NOTES

The ruling is dependent on the court – הוֹרָאָה תְּלוּיָה בְּבֵית דִּין: As it is written: "And the matter is hidden from the eyes of the congregation" (Leviticus 4:13). The court is characterized as the eyes of the congregation (Rashi).

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וְאִיבָּעֵית אֵימָא: שֵׁבֶט שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּינוֹ, וּמַאן חַכָּמִים? רַבִּי יְהוּדָה הִיא, דְּתַנְיָא: שֵׁבֶט שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּינוֹ, אוֹתוֹ הַשֵּׁבֶט חַיָּיב.

And if you wish, say instead that the dispute between Rabbi Meir and the Rabbis is in the case of **a tribe that performed** a transgression **on** the basis of **the ruling of its** tribal **court.** Rabbi Meir holds that there is no liability to bring a bull as an offering for an unwitting communal sin for a ruling issued by a tribal court; therefore, he deems the court exempt from bringing an offering. **And who are the Rabbis** who deem the tribal court liable to bring an offering? **It is Rabbi Yehuda, as it is taught** in a *baraita*: In the case of **a tribe that performed** a transgression **on** the basis of **a ruling of its** tribal **court, that tribe** is **liable.**

וְאִיבָּעֵית אֵימָא: כְּגוֹן שֶׁחָטְאוּ שִׁשָּׁה וְהֵן רוּבּוֹ שֶׁל קָהָל, אוֹ שִׁבְעָה אַף עַל פִּי שֶׁאֵינָן רוּבּוֹ שֶׁל קָהָל, וּמַתְנִיתִין מַנִּי? רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר הִיא;

And if you wish, say instead that the dispute between Rabbi Meir and the Rabbis is in a case **where six** of the twelve tribes **sinned and,** although they do not constitute a majority of the number of the tribes, in terms of population **they** constitute **a majority of** the **congregation.**[H] **Or seven** tribes sinned, and **even though** in terms of population **they are not a majority of** the **congregation,** they constitute a majority of the tribes. **And whose** opinion is expressed in **the *baraita*** as the opinion of the Rabbis? **It is** the opinion of **Rabbi Shimon ben Elazar.**

דְּתַנְיָא, רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר מִשְּׁמוֹ: חָטְאוּ שִׁשָּׁה וְהֵן רוּבּוֹ שֶׁל קָהָל, אוֹ שִׁבְעָה אַף עַל פִּי שֶׁאֵינָן רוּבּוֹ שֶׁל קָהָל – חַיָּיבִין.

This is **as it is taught** in a *baraita*: **Rabbi Shimon ben Elazar says in the name of** Rabbi Meir: If **six** tribes **sinned and** in terms of population **they are a majority of** the **congregation, or** if **seven** tribes sinned **even though** in terms of population **they are not a majority of** the **congregation, they are liable.** All these alternative understandings of the dispute between Rabbi Meir and the Rabbis lead to the conclusion that there is no proof for the statement of Rav Naḥman in the name of Shmuel that the mishna is in accordance with the opinion of Rabbi Meir.

אָמַר רַב אַסִי: וּבְהוֹרָאָה הֲלֵיךְ אַחַר רוֹב יוֹשְׁבֵי אֶרֶץ יִשְׂרָאֵל, שֶׁנֶּאֱמַר: ״וַיַּעַשׂ שְׁלֹמֹה בָּעֵת הַהִיא אֶת הֶחָג וְכָל יִשְׂרָאֵל עִמּוֹ קָהָל גָּדוֹל מִלְּבוֹא חֲמָת עַד נַחַל מִצְרַיִם לִפְנֵי ה׳ אֱלֹהֵינוּ שִׁבְעַת יָמִים וְשִׁבְעַת יָמִים אַרְבָּעָה עָשָׂר יוֹם״, מִכְּדֵי כְּתִיב ״וְכָל יִשְׂרָאֵל עִמּוֹ״, ״קָהָל גָּדוֹל מִלְּבוֹא חֲמָת עַד נַחַל מִצְרַיִם״ לָמָּה לִי? שְׁמַע מִינָּהּ: הָנֵי הוּא דְּאִיקְרִי קָהָל, אֲבָל הָנָךְ לָא אִיקְרִי קָהָל.

§ **Rav Asi says: And with regard to** the definition of the majority that establishes liability for performance of a transgression on the basis of the **ruling** of a court, **follow the majority of the residents of Eretz Yisrael,**[H] **as it is stated: "And Solomon held the feast at that time, and all Israel with him, a great congregation, from the entrance of Hamath until the Brook of Egypt, before the Lord our God, seven days and seven days, fourteen days"** (1 Kings 8:65). The Gemara clarifies the words of this verse: **Since it is written: "And all Israel with him," why do I** need to add: **"A great congregation, from the entrance of Hamath until the Brook of Egypt"? Conclude from it:** It is **these** residents of Eretz Yisrael **who are characterized** as **a congregation; but those** who reside outside Eretz Yisrael **are not characterized** as **a congregation.**

פְּשִׁיטָא, מְרוּבִּין וְנִתְמַעֲטוּ – הַיְינוּ פְּלוּגְתָּא דְּרַבִּי שִׁמְעוֹן וְרַבָּנַן,

§ The Gemara continues defining the majority that establishes liability. It is **obvious** that the case of when those who performed a transgression on the basis of the ruling of the court were **numerous,** i.e., they constituted a majority, **and** their percentage **diminished,**[H] e.g., if some sinners died and they now constitute a minority of the congregation; **that is the dispute between Rabbi Shimon and the Rabbis,** who disagree in a mishna (10b) with regard to an anointed High Priest or a king who performed an unwitting transgression before assuming his position. The Rabbis hold: Since they were laymen when they sinned, they are liable to bring the offering of a layman. Rabbi Shimon holds: If they became aware of their transgression while still laymen, they bring the offering of a layman. If they became aware of their transgression after they assumed their positions, they are exempt. Accordingly, in the case of a majority whose number diminished, the Rabbis hold that since it was a majority that sinned, they bring an offering. Rabbi Shimon holds that it depends on their status when they became aware they had unwittingly sinned.

HALAKHA

Six tribes sinned and they constitute a majority of the congregation, etc. – חָטְאוּ שִׁשָּׁה וְהֵן רוּבּוֹ שֶׁל קָהָל וכו׳: If a majority of the people performed a transgression on the basis of an erroneous ruling of the court, even if they are all members of one tribe, or if a majority of the tribes performed a transgression, even if in terms of population they constitute a minority of the Jewish inhabitants of Eretz Yisrael, the court is liable to bring an offering and the people are exempt from bringing individual sin-offerings, in accordance with the opinion of Rabbi Shimon ben Elazar (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1, 13:2).

Follow the majority of the residents of Eretz Yisrael – הֲלֵךְ אַחַר רוֹב יוֹשְׁבֵי אֶרֶץ יִשְׂרָאֵל: Only the residents of Eretz Yisrael are considered a congregation with regard to rulings issued by the court (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:2).

HALAKHA

Were numerous and their percentage diminished, etc. – מְרוּבִּין וְנִתְמַעֲטוּ וכו׳: If those who performed the transgression constituted a majority when they performed the transgression, but constituted a minority when they discovered that they erred, or if they constituted a minority when they performed the transgression but constituted the majority when they discovered that they erred, their liability is determined by their status when they performed the transgression, in accordance with the opinion of the Rabbis in their dispute with Rabbi Shimon (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:3).

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מוּעָטִין וְנִתְרַבּוּ מַאי, מִי פְּלִיגִי רַבִּי שִׁמְעוֹן וְרַבָּנַן? רַבִּי שִׁמְעוֹן דְּאָזֵיל בָּתַר יְדִיעָה מְחַיֵּיב, וְרַבָּנַן דְּאָזְלִי בָּתַר חַטָּאת פָּטְרִי, [אוֹ לָא], מַאי?

If those who performed a transgression on the basis of the ruling of the court were **few,** i.e., they constituted a minority, **and** their percentage **increased,** e.g., if some non-sinners died and the sinners now constitute a majority of the congregation, **what** is the *halakha*? **Do Rabbi Shimon and the Rabbis disagree**[N] with regard to this matter as well? That would mean that **Rabbi Shimon, who follows** the status at the time of **awareness, deems** the court **liable, and the Rabbis, who follow** the status at the time of the **transgression, deem** the court **exempt. Or** do they **not** disagree? **What** is the conclusion?

וְתִיסְבְּרָא? אֵימוּר דְּשָׁמְעַתְּ לֵיהּ לְרַבִּי שִׁמְעוֹן דְּאָזֵיל אַף בָּתַר יְדִיעָה, [הֵיכִי דְּהָוֵי יְדִיעָה וַחֲטָאָה בְּחִיּוּב], יְדִיעָה דְּלָא חֲטָאָה מִי שָׁמְעַתְּ לֵיהּ?

And can you understand that this case is contingent on the dispute between Rabbi Shimon and the Rabbis? **Say that you heard that Rabbi Shimon follows** the status at the time of **awareness as well,** i.e., in a case **where** both the **awareness and** the **transgression** were **in** a period of **liability,** either liability as a layman or liability as a king or as an anointed High Priest, the sinner is liable to bring an offering. But in a case where the **awareness** was during a period of liability, but the **transgression** was **not, did you hear** Rabbi Shimon say the court is liable?

דְּאִם כֵּן, לֵיתֵי כִּי הָשְׁתָּא! אֶלָּא רַבִּי שִׁמְעוֹן חֲטָאָה וִידִיעָה בָּעֵי.

The Gemara clarifies: **As, if** it is **so** that Rabbi Shimon holds that the period of awareness is the sole determining factor, **let** the High Priest and the king **bring** an offering **according to** their **present** status. If they became aware of the transgression after assuming their positions, let them bring the offering appropriate for a High Priest or a king. Why, then, does Rabbi Shimon say that in that case they are exempt? **Rather,** apparently **Rabbi Shimon requires** that both the **transgression and** the **awareness** take place in a period of liability. There is no resolution for the dilemma that was raised.

אִיבַּעֲיָא לְהוּ: הוֹרוּ בֵּית דִּין חֵלֶב מוּתָּר וְעָשׂוּ מִיעוּט הַקָּהָל, וְחָזְרוּ בֵּית דִּין בָּהֶן וְהוֹרוּ וְעָשׂוּ מִיעוּט אַחֵר, מַהוּ? כֵּיוָן דִּשְׁתֵּי יְדִיעוֹת נִיתְּנוּ לָא מִצְטָרְפִי, אוֹ דִלְמָא כֵּיוָן דְּאִידֵי וְאִידֵי חֵלֶב הוּא מִצְטָרְפִי?

§ **A dilemma was raised before** the Sages: If the **court issued a ruling** that forbidden **fat** is **permitted, and a minority of the congregation performed** the transgression of eating forbidden fat on the basis of that ruling, **and the court reversed their** decision and then reversed their decision again **and issued a ruling** that forbidden fat is permitted, **and a different minority** of the congregation **performed** the transgression, **what is** the *halakha*? The Gemara elaborates: Is it that **since there are two** disparate experiences of **awareness,** the first minority **does not combine** with the second minority, even though the two minorities together would constitute a majority? **Or perhaps, since** both **this** transgression **and that** transgression are the same, eating forbidden **fat,** the first minority **combines** with the second minority, and the two minorities together constitute a majority.

וְאִם תִּמְצָא לוֹמַר: כֵּיוָן דְּאִידֵי וְאִידֵי חֵלֶב הוּא מִצְטָרְפִי, מִיעוּט בְּחֵלֶב שֶׁעַל גַּבֵּי הַקֵּבָה וּמִיעוּט בְּחֵלֶב שֶׁעַל גַּבֵּי דַּקִּין, מַהוּ? הָכָא וַדַּאי כֵּיוָן דִּבְתְרֵי קְרָאֵי קָאָתֵי לָא מִצְטָרְפִי, אוֹ דִלְמָא כֵּיוָן דְּאִידֵי וְאִידֵי חֵלֶב הוּא מִצְטָרְפִי?

And if you say in that case: **Since** both **this** transgression **and that** transgression are the same, eating forbidden **fat,** the first minority **combines** with the second minority, then there is another dilemma: In a case where **a minority** performed a transgression on the basis of the first ruling of the court and ate forbidden **fat that is upon the maw, and a minority** performed a transgression on the basis of the second ruling of the court and ate forbidden **fat that is upon the small intestine, what is** the *halakha*? The Gemara elaborates: **Here, certainly, since** these transgressions **come from two** different **verses,** the first minority **does not combine** with the second minority; **or perhaps, since** both **this** transgression **and that** transgression are the same, eating forbidden **fat,** the first minority **combines** with the second minority, and the two minorities together constitute a majority.

NOTES

Few and their percentage increased…do Rabbi Shimon and the Rabbis disagree – מוּעָטִין וְנִתְרַבּוּ...מִי פְּלִיגִי רַבִּי שִׁמְעוֹן וְרַבָּנַן: Rashi explains that the possible distinction between the cases is that in the case where the Rabbis and Rabbi Shimon disagree, everyone concedes that there is liability to bring an offering, both from the outset and afterward, and they disagree only with regard to which offering is brought. By contrast, in the case of a minority that performed the transgression that later becomes a majority, there is no liability to bring an unwitting communal sin-offering at the outset. The Rosh, citing the Ramah, writes that the same refutation effective in refuting the analogy with regard to a minority whose percentage increased will also be effective in refuting the analogy with regard to a majority whose percentage decreased, as in that case there is no liability to bring an offering afterward. He explains that even the initial assumption was raised in order to sharpen the students' minds, as once the analogy is refuted, all similarity between the cases is negated.

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וְאִם תֹּאמְרִי לוֹמַר: שֵׁם חֵלֶב הוּא וּמִצְטָרֵף, מִיעוּט בְּחֵלֶב וּמִיעוּט בְּדָם, מַהוּ? הָכָא וַדַּאי (כֵּיוָן) דְּתָרֵי אִיסּוּרֵי נִינְהוּ [וְכֵיוָן דְּאֵין אִיסּוּרָן שָׁוֶה] לָא מִצְטָרֵף, אוֹ דִלְמָא כֵּיוָן (דְּאִיסּוּרָן שָׁוֶה) דְּקָרְבָּנָן שָׁוֶה מִצְטָרֵף?

And if you say in that case: **It is the name of** forbidden **fat** that they both have in common, **and** the first minority **combines** with the second minority, then there is another dilemma: In a case where **a minority** performed a transgression on the basis of the first ruling of the court and ate forbidden **fat, and a minority** performed a transgression on the basis of the second ruling of the court and ate forbidden **blood, what is** the *halakha*? The Gemara elaborates: **Here, certainly, they are two** distinct **prohibitions, and since** the nature of **their prohibition is not identical,** the first minority **does not combine** with the second minority. **Or perhaps, since their offerings are identical,** as one is liable to bring a sin-offering for unwitting violation of either of these prohibitions, the first minority **combines** with the second minority.

וְאִם תֹּאמְרִי לוֹמַר: כֵּיוָן (דְּאִיסּוּרָן שָׁוֶה) דְּקָרְבָּנָן שָׁוֶה מִצְטָרֵף, מִיעוּט בְּחֵלֶב וּמִיעוּט בַּעֲבוֹדָה זָרָה, מַהוּ? הָכָא וַדַּאי אֵין אִיסּוּרָן שָׁוֶה וְאֵין קָרְבָּנָן שָׁוֶה, אוֹ דִלְמָא כֵּיוָן דְּאִידֵי וְאִידֵי כָּרֵת הוּא מִצְטָרֵף? תֵּיקוּ.

And if you say in that case: **Since their offerings are identical,** the first minority **combines** with the second minority, then there is another dilemma: In a case where **a minority** performed a transgression on the basis of the first ruling of the court and ate forbidden **fat, and a minority** performed a transgression on the basis of the second ruling of the court and engaged **in idol worship,**[NH] **what is** the *halakha*? **Here, certainly, neither are their prohibitions identical nor are their offerings identical,** because an individual who unwittingly engages in idol worship may bring only a female goat for atonement. Therefore, the first minority does not combine with the second minority. **Or perhaps, since** for both **this** transgression **and that** transgression one **is** liable to receive **excision from the World-to-Come** [***karet***][B] if he performs it intentionally, the first minority **combines** with the second minority. The Gemara concludes: The dilemma **shall stand** unresolved.[B]

אִיבָּעֵיָא לְהוּ: הוֹרוּ בֵּית דִּין שֶׁחֵלֶב מוּתָּר וְעָשׂוּ מִיעוּט הַקָּהָל, וּמֵת אוֹתוֹ בֵּית דִּין וְעָמַד בֵּית דִּין אַחֵר, וְחָזְרוּ וְהוֹרוּ וְעָשׂוּ מִיעוּט אַחֵר,

§ **A dilemma was raised before** the Sages: If the **court issued a ruling that** forbidden **fat** is **permitted, and a minority of the congregation performed** the transgression of eating forbidden fat on the basis of that ruling, **and** the members of **that court died**[H] **and another court stood** in their place, **and again issued** the same **ruling** that forbidden fat is permitted, **and a different minority performed** the transgression of eating forbidden fat on the basis of that ruling, what is the *halakha*?

אַלִּיבָּא דְּמַאן דַּאֲמַר בֵּית דִּין מַיְיתֵי לָא תֵּיבָּעֵי לָךְ – דְּהָא לֵיתְנְהוּ, אֶלָּא כִּי תֵּיבָּעֵי לָךְ – אַלִּיבָּא דְּמַאן דַּאֲמַר צִבּוּר מַיְיתֵי. מַאי? צִבּוּר הָא קָאֵי,

The Gemara elaborates: **According to** the opinion **of the one who said** that only the **court brings** the offering, **do not raise the dilemma, as those** judges who issued the original ruling on the basis of which the minority performed a transgression **are no** longer alive. **Rather, when should you raise the dilemma?** Raise it **according to** the opinion **of the one who said** that the **congregation brings** the offering. **What** is the *halakha*? The Gemara elaborates: The **congregation exists,** as together the two minorities constitute a majority of the congregation who performed the transgression.

NOTES

And a minority in idol worship – וּמִיעוּט בַּעֲבוֹדָה זָרָה: The Meiri writes that there is a dispute between the early commentaries with regard to which offering the people are liable to bring, as the communal offering for eating forbidden fat and the communal offering for engaging in idol worship are different (see *Tosafot*). Some say that the people are obligated to bring an offering as though a majority of them ate forbidden fat, and must also bring an offering as though a majority engaged in idol worship. The Meiri holds that they bring an offering only for eating the forbidden fat, as the offering brought for consumption of forbidden fat constitutes part of the offering brought for engaging in idol worship. The Ra'avad holds that when the Sages say that the minorities combine, the reference is to the fact that they constitute a majority and are exempt from bringing offerings as individuals. Yet they are not considered a congregation, and there is no liability to bring the unwitting communal sin-offering.

HALAKHA

A minority with forbidden fat and a minority in idol worship – מִיעוּט בְּחֵלֶב וּמִיעוּט בַּעֲבוֹדָה זָרָה: This is discussing a case where the court ruled that one of the types of forbidden fat is permitted, and a minority of the congregation ate the fat on the basis of its ruling, and the court discovered its error and reversed its ruling. Then the court ruled that a certain manner of idol worship is permitted and a different minority of the congregation engaged in that worship on the basis of its ruling, and the court discovered its error and reversed its ruling. If the two minorities combine and consequently constitute a majority, the court is liable to bring an offering and those who performed the transgression are exempt, even though the court became aware of its first erroneous ruling before issuing the second ruling. The Ra'avad disagrees, as this is a dilemma that was not resolved in the Gemara (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:4, and see *Kesef Mishne* there).

The members of that court died – מֵת אוֹתוֹ בֵּית דִּין: If a court issued a ruling to permit a prohibited action, and a minority of the congregation performed a transgression on the basis of its ruling, and the members of that court died and another court came and issued the same erroneous ruling, and a different minority performed a transgression on the basis of its ruling, these minorities do not combine to constitute a majority, as this is a dilemma that was not resolved in the Gemara (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:4 and *Kesef Mishne* there).

BACKGROUND

***Karet* – כָּרֵת:** *Karet* is a divine punishment administered for serious transgressions. The precise definition of the term is subject to dispute among the commentaries. Opinions with regard to the components of *karet* include premature or sudden death, barrenness, death of one's children, and excision of one's soul from the World-to-Come. In tractate *Karetot* thirty-six transgressions punishable by *karet* are enumerated, thirty-four of them prohibitions. The two positive mitzvot for which one receives *karet* if he fails to perform them are bringing the Paschal offering and circumcision.

Only one who performs a transgression intentionally is liable to receive *karet*. For violating certain of these prohibitions in the presence of witnesses, one is liable to receive a court-imposed death penalty or to be flogged. One who unwittingly violates a prohibition for which one is liable to receive *karet* is liable to bring a sin-offering as atonement.

Shall stand unresolved [*teiku*] – תֵּיקוּ: Various explanations are offered with regard to the etymology of this term. One explanation is that it is a shortened version of *tikom*, meaning: It shall stand. Others explain that it is from the word *tik*, meaning case or pouch; just as the contents of the pouch are unknown, so too, the resolution of the dilemma is unknown (*Arukh*). Others suggest that the term is an acrostic, meaning: The Tishbite, i.e., the prophet Elijah, will resolve difficulties and dilemmas (*Tosefot Yom Tov*). This is based on the belief that when the prophet Elijah returns to herald the coming of Messiah, he will resolve outstanding halakhic difficulties.

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אוֹ דִלְמָא [יְדִיעָה] דְּהַהוּא בֵּית דִּין דְּהוֹרוּ בָּעֵינַן? תֵּיקוּ.

Or perhaps, for liability **we require** the **awareness of the same court that issued the ruling,** and that court no longer exists. The Gemara concludes: The dilemma **shall stand** unresolved.

אָמַר רַבִּי יוֹנָתָן: מֵאָה שֶׁיָּשְׁבוּ לְהוֹרוֹת – אֵין חַיָּבִין עַד שֶׁיּוֹרוּ כּוּלָּן, שֶׁנֶּאֱמַר: ״וְאִם כָּל עֲדַת יִשְׂרָאֵל יִשְׁגּוּ״ – עַד שֶׁיִּשְׁגּוּ כּוּלָּן, [עַד שֶׁתִּתְפַּשֵּׁט הוֹרָאָה בְּכָל עֲדַת יִשְׂרָאֵל]. אָמַר רַב הוּנָא בְּרֵיהּ דְּרַב הוֹשַׁעְיָא: הָכִי נַמִי מִסְתַּבְּרָא, דִּבְכָל הַתּוֹרָה כּוּלָּהּ קַיְימָא לָן רוּבּוֹ כְּכוּלּוֹ, וְהָכָא כְּתִיב ״כָּל הָעֵדָה״, הוֹאִיל וְכָךְ – אֲפִילּוּ הֵן מֵאָה.

§ **Rabbi Yonatan says:** Even in the case of **one hundred** judges **who convened to issue a ruling** and erred, **they are not liable** to bring an offering **unless they all issue** that **ruling, as it is stated** with regard to liability to bring the offering: **“And if the entire assembly of Israel shall act unwittingly”** (Leviticus 4:13). From the term “entire” it is derived that the judges are not liable **until they all act unwittingly,**[H] **and the ruling** must **disseminate** and be adopted **throughout the entire assembly of Israel,** i.e., the Sanhedrin. **Rav Huna, son of Rav Hoshaya, said: So too it is reasonable** to conclude this, **as throughout the entire Torah we maintain** the principle: The legal status of **the majority of** an entity is considered **like all of** that entity, **and here: “The entire assembly,” is written. Since it is so,** a majority does not suffice. **Even** if **they are one hundred** judges, they are liable only if the erroneous ruling was unanimous.

[תָּנַן]: הוֹרוּ בֵּית דִּין, וְיָדַע אֶחָד מֵהֶן שֶׁטָּעוּ אוֹ תַּלְמִיד וָרָאוּי לְהוֹרָאָה, וְהָלַךְ וְעָשָׂה עַל פִּיהֶם, בֵּין שֶׁעָשׂוּ וְעָשָׂה עִמָּהֶן, וּבֵין שֶׁעָשׂוּ וְעָשָׂה אַחֲרֵיהֶן, וּבֵין שֶׁלֹּא עָשׂוּ וְעָשָׂה – חַיָּיב, מִפְּנֵי שֶׁלֹּא תָּלָה בְּבֵית דִּין.

We learned in the mishna: If the **court issued** that **ruling, and one of** the judges **knew that they erred,** despite the fact that the majority ruled against his opinion, **or** if he was **a student and** was **qualified to issue** halakhic **rulings, and** that judge or student **proceeded and performed** that transgression **on the basis of** the court’s ruling, then **whether** the judges **performed** the transgression **and he performed** it **with them, or whether** the judges **performed** the transgression **and he performed** it **after them, or whether** the judges **did not perform** the transgression **and he performed** it alone, in all these cases the judge or the student **is liable** to bring an offering. This is **due to** the fact **that he did not associate** his action **with** the ruling of the **court.**

הַאי הוּא דְּחַיָּיב, הָא אַחֵר – פָּטוּר. וְאַמַּאי? הָא לֹא נִגְמְרָה הוֹרָאָה! הָכָא בְּמַאי עָסְקִינַן, כְּגוֹן שֶׁהִרְכִּין הַהוּא אֶחָד מֵהֶן בְּרֹאשׁוֹ.

The Gemara notes that one may infer: **It is this** judge or student **who** is **liable, but another** who acts on the basis of the ruling of the court is **exempt. But why** would he be exempt? **The ruling is not completed** if it is not unanimous. The Gemara answers: **What are we dealing with here?** We are dealing with a case **where the one** dissenting judge **among them bowed his head** and indicated his agreement with the remaining judges.

תָּא שְׁמַע: הוֹרוּ בֵּית דִּין, וְיָדַע אֶחָד מֵהֶן שֶׁטָּעוּ, וְאָמַר לָהֶן ״טוֹעִין אַתֶּם״ – הֲרֵי אֵלּוּ פְּטוּרִים. טַעְמָא דַּאֲמַר לָהֶן ״טוֹעִין אַתֶּם״ – דִּפְטוּרִים, הָא שָׁתֵיק מִישְׁתַּק – חַיָּיבִין, וְגָמַר לָהּ הוֹרָאָה. וְאַמַּאי? וְהָא לֹא הוֹרוּ כּוּלָּן! אָמְרִי: הָכִי נַמִי כְּגוֹן שֶׁהִרְכִּין בְּרֹאשׁוֹ.

The Gemara suggests: **Come** and **hear** proof from a mishna (4b): If the **court issued a ruling, and one of** the judges **knew that they erred and he said to them: You are mistaken, they are exempt.** One may infer: **The reason that** they are **exempt** is **that** the judge **said to them: You are mistaken. But** if **he was silent,**[H] they are **liable, and the ruling is complete. And why,** according to Rabbi Yonatan, would they be liable? **But isn’t** it so that **not all of them issued** the same **ruling?** The Sages **say** in response: **So too** here, it is a case **where** the dissenting judge **bowed his head.**

מְתִיב רַב מְשַׁרְשִׁיָּא: סָמְכוּ רַבּוֹתֵינוּ עַל דִּבְרֵי רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל וְעַל דִּבְרֵי רַבִּי אֶלְעָזָר בְּרַבִּי צָדוֹק, שֶׁהָיוּ אוֹמְרִים: אֵין גּוֹזְרִין גְּזֵירָה עַל הַצִּבּוּר אֶלָּא אִם כֵּן רוֹב הַצִּבּוּר יְכוֹלִין לַעֲמוֹד בָּהּ,

Rav Mesharshiyya raises an objection to the statement of Rabbi Yonatan from a *baraita*: **Our Sages relied on the statement of Rabban Shimon ben Gamliel and on the statement of Rabbi Elazar, son of Rabbi Tzadok, who would say: One does not issue a decree**[H] **upon the congregation unless the majority of the congregation is able to withstand it.**

HALAKHA

Until they all act unwittingly – עַד שֶׁיִּשְׁגּוּ כּוּלָּן: If the court issued an erroneous ruling and one of the judges knew that it was erroneous and informed the other judges of their error, then even though the judges who erroneously ruled to permit the action in question outnumber the dissenters, and the majority of the people performed the transgression on the basis of the court’s ruling, the court is exempt from liability to bring an offering, and each of the transgressors is liable to bring an individual sin-offering. This is in accordance with the opinion of Rabbi Yonatan (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:1).

HALAKHA

But if he was silent – הָא שָׁתֵיק מִישְׁתַּק: If the majority of the Sanhedrin issued an erroneous ruling to permit a prohibited action, and one judge or even a minority of the judges knew that it was erroneous but remained silent, then since the ruling was issued with no dissent and circulated throughout Eretz Yisrael, the court is liable to bring an offering and the transgressors are exempt (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:1).

One does not issue a decree, etc. – אֵין גּוֹזְרִין גְּזֵירָה וכו׳: A court that seeks to issue a decree or institute an ordinance must consider the matter to determine whether a majority of the public is capable of withstanding it, as the Sages issue decrees only when this requirement has been fulfilled (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 2:5).

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LANGUAGE

Chain [*kolar*] – קוֹלָר: From the Latin collare, it is a chain placed around the neck, e.g., of prisoners or animals.

Statue of a collared slave whose wrists are bound to his ankles

BACKGROUND

Tereifa – טְרֵפְתָּא: Literally meaning an animal mauled by a beast of prey, a *tereifa* is an animal suffering from a condition that will cause it to die within twelve months. It is prohibited by Torah law to eat an animal in that condition, although the source of this prohibition is disputed. Some authorities cite the verse: "You shall not eat any flesh that is torn of beasts in the field" (Exodus 22:30). Others suggest that it is derived from the verse forbidding the consumption of an unslaughtered carcass: "You shall not eat of anything that dies of itself" (Deuteronomy 14:21). According to the *Minḥat Ḥinnukh*, the prohibition is derived from both verses together.

Mata Meḥasya – מָתָא מְחַסְיָא: Mata Meḥasya was a town near the city of Sura. Sura was a large city during its heyday and served as the capital of the Parthian Empire. Mata Meḥasya was a relatively small settlement, most of whose residents were apparently Jews. It may have been a Jewish settlement dating back to the beginning of Jewish settlement in Babylonia. During Rav Ashi's lifetime the Sura yeshiva moved to Mata Meḥasya. Due to the proximity between the two places, the terms Sura and Mata Meḥasya were used interchangeably during the geonic period, with the Sura yeshiva sometimes called the Meḥasya yeshiva. It appears that the town remained as it was, larger than a village but smaller than a city.

Map of central Babylonia

וַאֲמַר רַב אַדָּא בַּר אַבָּא: מַאי קְרָא? ״בַּמְּאֵרָה אַתֶּם נֶאֱרָרִים וְאוֹתִי אַתֶּם קְבָעִים הַגּוֹי כֻּלּוֹ״, וְהָא הָכָא, דִּכְתִיב ״הַגּוֹי כֻּלּוֹ״, וְרוּבָּא כְּכוּלָּא דָּמֵי, תִּיוּבְתָּא דְּרַבִּי (יוֹחָנָן) [יוֹנָתָן] תִּיוּבְתָּא.

And Rav Adda bar Abba said: What is the verse from which this principle is derived? It is derived from the verse: **"With the curse you are cursed, yet you rob Me, the entire nation"** (Malachi 3:9). The verse is referring to the oath taken by the entire people to observe the *halakhot* of tithes, and they violated those *halakhot*. **But here it is written: "The entire nation," and** yet, Rabban Shimon ben Gamliel and Rabbi Elazar, son of Rabbi Tzadok, relied on this verse to derive that the legal status of **the majority of** an entity is **like** that of **the entire** entity, and therefore if a majority of the congregation can withstand the decree the court may issue it. The Gemara concludes: **The refutation of** the opinion of **Rabbi Yonatan** is indeed **a conclusive refutation.**

וְאֶלָּא מַאי ״כָּל עֵדַת״ דְּקָאָמַר רַחֲמָנָא? הָכִי קָאָמַר: אִי אִיכָּא כּוּלָּם – הָוְיָא הוֹרָאָה, וְאִי לָא – לָא הָוְיָא הוֹרָאָה.

The Gemara asks: **Rather,** now that Rabbi Yonatan's opinion has been refuted, **what** is derived from the phrase **"the entire assembly" that the Merciful One states? This** is what it **is saying: If there are all** the judges present and they issue that ruling based on the majority, **it is a ruling, and if not, it is not a ruling.**

אָמַר רַבִּי יְהוֹשֻׁעַ: עֲשָׂרָה שֶׁיּוֹשְׁבִין בַּדִּין – קוֹלָר תָּלוּי בְּצַוָּאר כּוּלָּן. פְּשִׁיטָא! הָא קָא מַשְׁמַע לָן: דַּאֲפִילּוּ תַּלְמִיד בְּפְנֵי רַבּוֹ.

With regard to a court session **Rabbi Yehoshua says:** When there are **ten** judges **who sit in judgment, the chain** [*kolar*][L] placed around the neck of the person taken to his punishment **is suspended around the neck of all of them,** i.e., they are all responsible for the decision. The Gemara asks: Isn't this **obvious?** The Gemara answers: **This teaches us that even a student before his teacher** may not be silent in deference to his teacher, as he bears responsibility for an erroneous ruling.

רַב הוּנָא, כִּי הֲוָה נָפֵיק לְבֵי דִּינָא, מַיְיתֵי עֲשָׂרָה תַּנָּאֵי דְּבֵי רַב לְקַמֵּיהּ, כִּי הֵיכִי דִּנְיִמְטְיָין שִׁיבָּא מִכֻּשׁוּרָא. רַב אַשִׁי כִּי הֲוָה מַיְיתֵי טְרֵפְתָּא לְקַמֵּיהּ, מַיְיתֵי עֲשָׂרָה טַבָּחֵי מִמָּתָא מְחַסְיָא וּמוֹתִיב קַמֵּיהּ, אֲמַר: כִּי הֵיכָא דִּנְיִמְטְיָין שִׁיבָּא מִכֻּשׁוּרָא.

The Gemara relates: **Rav Huna, when he would go out to the court** to sit in judgment, would **bring ten *tanna'im,*** i.e., people **who** recited *mishnayot* and *baraitot* in the **study hall,** to sit **before him** and serve as partners in judgment with him. He said: I do this **so that we will** each **receive a splinter from the beam,** i.e., each of us will bear only a small part of the responsibility. The Gemara relates on a similar note: **Rav Ashi, when they would bring** a slaughtered animal **before him** to determine whether or not it was **a *tereifa*,**[B] **would bring ten slaughterers from Mata Meḥasya**[B] **and sit** them **before him** while rendering his decision. **He said:** I do this **so that we will** each **receive a splinter from the beam.**

מתני׳ הוֹרוּ בֵּית דִּין, וְיָדְעוּ שֶׁטָּעוּ, וְחָזְרוּ בָּהֶן. בֵּין שֶׁהֵבִיאוּ כַּפָּרָתָן וּבֵין שֶׁלֹּא הֵבִיאוּ כַּפָּרָתָן, וְהָלַךְ וְעָשָׂה עַל פִּיהֶן, רַבִּי שִׁמְעוֹן פּוֹטֵר, וְרַבִּי אֶלְעָזָר אוֹמֵר: סָפֵק. אֵיזֶהוּ סָפֵק? יָשַׁב לוֹ בְּתוֹךְ בֵּיתוֹ – חַיָּיב, הָלַךְ לוֹ לִמְדִינַת הַיָּם – פָּטוּר.

MISHNA In a case where the judges of the **court issued** an erroneous **ruling and they discovered that they erred and reversed their** decision, **whether they brought their atonement** offering for their erroneous ruling **or whether they did not bring their atonement** offering, **and** an individual who was unaware of the new ruling **proceeded and performed** a transgression **on the basis of their** first ruling, **Rabbi Shimon deems** him **exempt** from bringing an offering, **and Rabbi Elazar says:** There is **uncertainty** with regard to his status and he is liable to bring a provisional guilt-offering. **Which is** the case of **uncertainty** for which one is liable to bring a provisional guilt-offering? If one **sat inside his house**[H] and performed the transgression he is **liable** to bring a provisional guilt-offering, as he could have learned of the change in the court's ruling. If he **went to a country overseas** and is relying on the initial ruling, he is **exempt.**

HALAKHA

Which is the case of uncertainty, if one sat inside his house, etc. – אֵיזֶהוּ סָפֵק יָשַׁב לוֹ בְּתוֹךְ בֵּיתוֹ וכו׳: If the court issued an erroneous ruling and then reversed its ruling, and one performed a transgression on the basis of the original ruling, he brings a provisional guilt-offering. Since he could have asked whether there were any new developments with regard to the ruling and he failed to do so, his status is like that of one who is uncertain whether he violated a prohibition. But if he traveled abroad, then even if he performed the transgression after the court became aware of its error, he is exempt, because he associated his action with the ruling of the court and had no way to learn whether there was any change in the ruling. This is in accordance with the opinion of Rabbi Elazar, as Rabbi Akiva concedes that his opinion is correct in that case (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 14:5).

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אָמַר רַבִּי עֲקִיבָא: מוֹדֶה אֲנִי בָּזֶה, שֶׁהוּא קָרוֹב לִפְטוֹר מִן הַחוֹבָה. אָמַר לוֹ בֶּן עַזַּאי: מַאי שְׁנָא זֶה מִן הַיּוֹשֵׁב בְּבֵיתוֹ? שֶׁהַיּוֹשֵׁב בְּבֵיתוֹ אֶפְשָׁר הָיָה לוֹ שֶׁיִּשְׁמַע, וְזֶה לֹא הָיָה לוֹ אֶפְשָׁר שֶׁיִּשְׁמַע.

Rabbi Akiva said: I concede in that case of one who went overseas **that he is closer to exemption than** he is to **liability. Ben Azzai said to him:** In **what** way **is this** person who went overseas **different from one who sits in his house?** Rabbi Akiva said to him: The difference is **that** with regard to **one who sits in his house it would have been possible for him to hear** of the court's reversal, **but** with regard to **that** person who went overseas, **it would not have been possible for him to hear** of the court's reversal.

הוֹרוּ בֵּית דִּין לַעֲקוֹר אֶת כָּל הַגּוּף, אָמְרוּ: אֵין נִדָּה בַּתּוֹרָה, אֵין שַׁבָּת בַּתּוֹרָה, אֵין עֲבוֹדָה זָרָה בַּתּוֹרָה – הֲרֵי אֵלּוּ פְּטוּרִין. הוֹרוּ לְבַטֵּל מִקְצָת וּלְקַיֵּים מִקְצָת – הֲרֵי אֵלּוּ חַיָּבִין.

The mishna explains for which type of unwitting transgression based on the ruling of the court there is liability to bring an offering. In a case where the judges of the **court issued** an erroneous **ruling to abolish the entire essence** of a mitzva,[H] not only a detail thereof, e.g., **they said: There is no** prohibition against engaging in intercourse with **a menstruating woman** written **in the Torah,** or **there is no** prohibition against performing prohibited labor on **Shabbat** written **in the Torah,** or **there is no** prohibition against engaging in **idol worship** written **in the Torah, these** judges **are exempt,** as this is an error based on ignorance, not an erroneous ruling. If the judges **issued a ruling to nullify part** of a mitzva **and to sustain part**[H] of that mitzva, **these** judges **are liable.**

כֵּיצַד? אָמְרוּ: יֵשׁ נִדָּה בַּתּוֹרָה, אֲבָל הַבָּא עַל שׁוֹמֶרֶת יוֹם בְּנֶגֶד יוֹם פָּטוּר.

How so? An example of this is if the judges **said: There is** a prohibition against engaging in intercourse with **a menstruating woman** written **in the Torah, but one who engages in intercourse with** a woman **who observes** a clean **day for a day** she experiences a discharge is **exempt.** When the woman sees a discharge of blood for one or two days during the eleven days between the end of one menstrual period and the expected start of another, the blood is assumed to not be menstrual blood. If after the second day, the next day passes without any discharge of blood, she may immerse immediately and she is ritually pure. The judges ruled erroneously that it is permitted to engage in intercourse with her on the day that she is observing a clean day, even without the day having passed and her having immersed.

יֵשׁ שַׁבָּת בַּתּוֹרָה, אֲבָל הַמּוֹצִיא מֵרְשׁוּת הַיָּחִיד לִרְשׁוּת הָרַבִּים פָּטוּר.

Another example is if they said: **There is** a prohibition against performing prohibited labor on **Shabbat** written **in the Torah, but one who carries out** objects **from the private domain to the public domain**[B] is **exempt.**

יֵשׁ עֲבוֹדָה זָרָה בַּתּוֹרָה, אֲבָל הַמִּשְׁתַּחֲוֶה פָּטוּר – הֲרֵי אֵלּוּ חַיָּבִין, שֶׁנֶּאֱמַר: ״וְנֶעְלַם דָּבָר״ – דָּבָר וְלֹא כָּל הַגּוּף.

Another example is if they said: **There is** a prohibition against engaging in **idol worship** written **in the Torah, but one who bows** to the idol but does not sacrifice an offering is **exempt.** In all of these cases, **these** judges **are liable, as it is stated: "And the matter is hidden"** (Leviticus 4:13), from which it is derived that there is liability only if **a matter,** a single detail, is hidden, **but not** if **the entire essence** of a mitzva is hidden.

גמ׳ אֲמַר רַב יְהוּדָה אֲמַר רַב: מַאי טַעְמָא דְּרַבִּי שִׁמְעוֹן – הוֹאִיל וּבִרְשׁוּת בֵּית דִּין הוּא עוֹשֶׂה. אִיכָּא דְּאָמְרִי, אֲמַר רַב יְהוּדָה אֲמַר רַב: אוֹמֵר הָיָה רַבִּי שִׁמְעוֹן: כָּל הוֹרָאָה שֶׁיָּצְאָה בְּרוֹב צִבּוּר – יָחִיד הָעוֹשֶׂה אוֹתָהּ פָּטוּר, לְפִי שֶׁלֹּא נִיתְּנָה הוֹרָאָה אֶלָּא לְהַבְחִין בֵּין שׁוֹגֵג לְמֵזִיד.

GEMARA The mishna teaches that Rabbi Shimon deems exempt one who performed a transgression on the basis of the initial ruling of the court even though the court reversed its ruling. **Rav Yehuda said** that **Rav said: What is the reason** for the statement **of Rabbi Shimon?** The reason is **since** it is **with the permission of the court**[N] that **he performs** the transgression, he is exempt. **Some say** there is a different version of the statement cited by Rav Yehuda: **Rav Yehuda said** that **Rav said: Rabbi Shimon would say:** Concerning **any ruling that disseminated to the majority of** the **congregation,** even if the court later reversed that decision, **an individual who performs** a transgression based on the first ruling is **exempt, because a ruling is given only**[N] **to distinguish between unwitting and intentional** acts. One who performs an action on the basis of that ruling is unwitting, as he associated his action with the court, and he is unaware that the court reversed its decision.

HALAKHA

The court issued an erroneous ruling to abolish the entire essence of a mitzva – הוֹרוּ בֵּית דִּין לַעֲקוֹר אֶת כָּל הַגּוּף: If the court issued an erroneous ruling to completely abolish one of the mitzvot in the Torah, then even though the entire congregation sinned on the basis of its ruling, the court is exempt, and each of the transgressors is liable to bring a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:2, 14:1).

To nullify part and to sustain part – לְבַטֵּל מִקְצָת וּלְקַיֵּים מִקְצָת: A court is never liable unless it issued a ruling to nullify certain details of a mitzva that are explicitly written in the Torah and to sustain other details of that mitzva. Examples of this are if the court issued an erroneous ruling that although it is prohibited to carry objects from one domain to another on Shabbat, it is permitted to pass objects from domain to domain; or if the court issued an erroneous ruling that although it is prohibited to fully bow to an idol, it is permitted to bow to an idol without extending one's arms and legs (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 14:2).

BACKGROUND

One who carries out objects from the private domain to the public domain – הַמּוֹצִיא מֵרְשׁוּת הַיָּחִיד לִרְשׁוּת הָרַבִּים: One of the thirty-nine categories of labor prohibited on Shabbat is the transfer of objects from domain to domain, which is addressed in detail in tractate *Shabbat*. Included in this category are the transfer of an object from the private domain to the public domain or vice versa, regardless of the distance that the object was moved, and the carrying of an object four cubits in the public domain. Despite their differences, the cases mentioned here share several common elements. In order to be liable in both cases, the object in question must be lifted from a significant surface that measures a minimum requisite area, and placed on a surface with a similar area. If only one of those actions, lifting or placing, was performed, or if each was performed by a different person, the action does not constitute labor prohibited on Shabbat by Torah law.

NOTES

Since it is with the permission of the court – הוֹאִיל וּבִרְשׁוּת בֵּית דִּין: Apparently, the difference between the two versions is whether Rabbi Shimon deems him exempt because this transgressor erroneously associated his action with the court and the matter stems only from his lack of knowledge. Or perhaps there is an objective element here; since the ruling circulated and reached the majority of the congregation, the individual who performed the transgression on the basis of that ruling is exempt from liability to bring an offering.

Because a ruling is given only, etc. – שֶׁלֹּא נִיתְּנָה הַהוֹרָאָה אֶלָּא וכו׳: Rashi explains that the ruling causes everyone who performs a transgression on its basis to be unwitting. Alternatively, he explains that the ruling clarifies that the one who performed the transgression did not associate the unwitting action with himself but with the ruling of the court.

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מֵיתִיבִי: פַּר הֶעֱלֵם דָּבָר שֶׁל צִבּוּר וּשְׂעִירֵי עֲבוֹדָה זָרָה בִּתְחִלָּה גּוֹבִין עֲלֵיהֶן, דִּבְרֵי רַבִּי שִׁמְעוֹן. רַבִּי יְהוּדָה אוֹמֵר: מִתְּרוּמַת הַלִּשְׁכָּה הֵן בָּאִין. אַמַּאי? כֵּיוָן דְּגָבֵי לְהוּ – הָווּ לֵיהּ ״הוֹדַע״!

The Gemara **raises an objection** from a *baraita*: For **a bull** brought for **an unwitting communal sin, and** for **goats** brought for the unwitting violation of the prohibition **of idol worship,** the Temple treasury **collects** money from the congregation to pay **for** the offerings **from the outset,**[H] i.e., a collection undertaken specifically for that offering; this is **the statement of Rabbi Shimon. Rabbi Yehuda says:** The money for purchasing these offerings **comes from** the funds of **the collection of the** Temple treasury **chamber,** just like the money for purchasing all other communal offerings. According to Rabbi Shimon, **why** is this person exempt? **Since they collect** money specifically for each of these communal sin-offerings, the transgression **is for him** one that **became known,** as he presumably heard about the collection, and he should be liable because he is aware of the reversal in the court's ruling.

אִיבָּעֵית אֵימָא: כְּגוֹן שֶׁגָּבוּ סְתָם.

The Gemara answers: **If you wish, say** that the reference in the mishna is to a case **where they collected** the money **without specification.** Therefore, he was unaware of the reversal of the court's ruling.

וְאִיבָּעֵית אֵימָא: כְּגוֹן דְּלָא הֲוָה לֵיהּ בְּמָתָא.

And if you wish, say instead that the reference in the mishna is to a case **where** the person **was not in the city.** Therefore, he was unaware of the collection of the funds and unaware of the reversal of the ruling of the court.

וְאִיבָּעֵית אֵימָא: רַב כְּאִידָךְ תַּנָּא סָבַר, דְּתַנְיָא אִיפְּכָא: בַּתְּחִלָּה גּוֹבִין לָהֶן, דִּבְרֵי רַבִּי יְהוּדָה, רַבִּי שִׁמְעוֹן אוֹמֵר: מִתְּרוּמַת הַלִּשְׁכָּה הֵן בָּאִין.

And if you wish, say instead that **Rav holds in accordance with** the opinion of **the other *tanna*** who cited the dispute between Rabbi Shimon and Rabbi Yehuda, **as it is taught** in a *baraita* with the attribution of the opinions **reversed:** The Temple treasury **collects** money from the congregation to pay **for** the offerings **from the outset;** this is **the statement of Rabbi Yehuda. Rabbi Shimon says:** The money for purchasing these offerings **comes from** the funds of **the collection of the** Temple treasury **chamber.** According to Rabbi Shimon's opinion in this *baraita*, it is possible that the transgressor remained unaware that the court reversed its decision.

תָּנוּ: רַבִּי מֵאִיר מְחַיֵּיב, וְרַבִּי שִׁמְעוֹן פּוֹטֵר, רַבִּי אֶלְעָזָר אוֹמֵר: סָפֵק. מִשּׁוּם סוּמָכוֹס אָמְרוּ: תָּלוּי. אָמַר רַבִּי יוֹחָנָן: אָשָׁם תָּלוּי אִיכָּא בֵּינַיְיהוּ.

Apropos this topic, **it is taught** in a *baraita*: If an individual performed a transgression on the basis of the original ruling of the court after the court reversed its ruling, **Rabbi Meir deems** him **liable** to bring a sin-offering **and Rabbi Shimon deems** him **exempt. Rabbi Elazar says:** There is **uncertainty** with regard to his status. **In the name of Sumakhos,** the Sages **said:** His status is **suspended** and remains uncertain. **Rabbi Yoḥanan said:** It is with regard to **a provisional guilt-offering**[BN] that **there is** a practical difference **between** the opinion of Rabbi Elazar and the opinion of Sumakhos. According to Rabbi Elazar, he is liable to bring a provisional guilt-offering, whereas according to Sumakhos the question of his liability is suspended, and he does not bring a provisional guilt-offering.

אָמַר רַבִּי זֵירָא: מָשָׁל דְּרַבִּי אֶלְעָזָר לְמָה הַדָּבָר דּוֹמֶה – לְאָדָם שֶׁאָכַל סְפֵק חֵלֶב סְפֵק שׁוּמָּן וְנוֹדַע לוֹ, שֶׁמֵּבִיא אָשָׁם.

Rabbi Zeira says: There is **an analogy** to illustrate the opinion **of Rabbi Elazar. To what is this matter comparable?** It is comparable **to a person who ate** a piece of fat with regard to which there is **uncertainty** whether it is forbidden **fat** and **uncertainty** whether it is permitted **fat,**[H] and he thought that he was eating permitted fat. **And** he later **became aware** that there is uncertainty whether he unwittingly ate fat for which one is liable to receive *karet* if he ate it intentionally, **as** in this case he is liable to **bring** a provisional **guilt-offering.** In the case in the *baraita* too, when he later discovered that the court reversed its ruling, it is like one who is uncertain whether he associated his action with the court or associated his action with himself.

HALAKHA

The Temple treasury collects for the offerings from the outset – בִּתְחִלָּה גּוֹבִין עֲלֵיהֶן: There is a special collection undertaken to purchase a bull for an unwitting communal sin-offering and for goats sacrificed to atone for unwitting idol worship, and they are not purchased with funds from the Temple treasury, in accordance with the opinion of Rabbi Yehuda in the variant reading of Rav (Rambam *Sefer Zemanim*, *Hilkhot Shekalim* 4:2).

Ate a piece of fat with regard to which there is uncertainty whether it is forbidden fat and uncertainty whether it is permitted fat – אָכַל סְפֵק חֵלֶב סְפֵק שׁוּמָּן: One is not liable to bring a provisional guilt-offering unless it was certain that there was a forbidden item before him when he ate. Therefore, if one ate one piece of fat with regard to which there is uncertainty whether it is permitted or forbidden, he is exempt, as in that case, the presence of a forbidden item there has not been established (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 8:2).

BACKGROUND

Provisional guilt-offering – אָשָׁם תָּלוּי: This refers to the provisional guilt-offering mentioned in the Torah (see Leviticus 5:17–19), and its details are elucidated primarily in tractate *Karetot*. The Torah itself does not specify the circumstances that render one liable to bring this offering.

There is a rabbinic tradition that a provisional guilt-offering is brought in a case of uncertainty with regard to whether one unwittingly transgressed a prohibition for which its unwitting violation renders him liable to bring a fixed sin-offering. As long as the uncertainty whether he performed the transgression remains, he is liable to bring a provisional guilt-offering. If he later discovers that he indeed performed that transgression unwittingly, he brings a sin-offering.

The Sages engaged in a dispute concerning the nature of the uncertainty for which one is liable to bring the provisional guilt-offering. They conclude that one is liable to bring a provisional guilt-offering only in a case where he ate one of two pieces of the food item, i.e., where the uncertainty is not whether the item in question was forbidden but whether the piece he ate was the forbidden one or the permitted one. In addition, one is liable if he is certain that he ate the forbidden piece but uncertain whether he ate the requisite measure to render him liable.

In a case where there was one piece of meat with regard to which there is uncertainty whether it was permitted or forbidden, one is not liable to bring a provisional guilt-offering.

NOTES

Provisional guilt-offering – אָשָׁם תָּלוּי: According to Rabbi Elazar, the uncertainty here is like any uncertainty that one has with regard to the facts. Therefore, the transgressor brings a provisional guilt-offering like anyone else who is uncertain whether he violated a prohibition for whose unwitting violation one is liable to bring a sin-offering. Sumakhos holds that the uncertainty here is not with regard to the facts and does not fall into the category of actions for which one is liable to bring a guilt-offering; rather, his status is suspended and remains uncertain.

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וְלָא מִבָּעְיָא לְמַאן דַּאֲמַר צִבּוּר מַיְיתֵי, דְּמִפַּרְסְמָא מִלְּתָא, אֶלָּא אֲפִילּוּ לְמַאן דַּאֲמַר בֵּית דִּין מְבִיאִין, דְּלָא מִפַּרְסְמָא מִלְּתָא, אִי הֲוָה שָׁאֵיל הֲוּ אָמְרִין לֵיהּ.

And it is not necessary to state this **according to the one who said** that the **congregation brings** the offering, **as** in that case **the matter,** that the court reversed its ruling, **is publicized** among the congregation. **But even according to the one who said** that the **court brings** the offering, **where the matter is not publicized** that the court reversed its ruling, **if he had asked, they would have told him**[N] that the court reversed its ruling. Therefore, it could be said that he associated his action with himself and did not associate it with the court, and he is liable to bring a provisional guilt-offering.

אָמַר רַבִּי יוֹסֵי בַּר אָבִין, וְאִיתֵּימָא רַבִּי יוֹסֵי בַּר זְבִידָא: מָשָׁל דְּסוּמְכוֹס לְמָה הַדָּבָר דּוֹמֶה? לְאָדָם שֶׁהֵבִיא כַּפָּרָתוֹ בֵּין הַשְּׁמָשׁוֹת, סָפֵק מִבְּעוֹד יוֹם נִתְכַּפֵּר לוֹ סָפֵק מִשֶּׁחֲשֵׁכָה נִתְכַּפֵּר לוֹ, שֶׁאֵין מֵבִיא אָשָׁם תָּלוּי.

Rabbi Yosei bar Avin, and some say Rabbi Yosei bar Zevida, says: There is **an analogy** to illustrate the opinion **of Sumakhos.**[N] **To what is this matter comparable?** It is comparable **to a person who brings his atonement** offering during **twilight,**[NB] which is a time when there is uncertainty whether it is day or night, and there is **uncertainty** whether the offering **atoned for him while it is still day,** and the atonement was effective, and there is **uncertainty** whether **it atoned for him after nightfall,** and the atonement was not effective. The *halakha* is **that he does not bring a provisional guilt-offering.** Although typically one is liable to bring a provisional guilt-offering in a case where there is uncertainty whether he performed a transgression for which he is liable to bring a sin-offering, in this case, since the uncertainty relates to twilight, which is an uncertainty that can never be resolved, it is not a typical uncertainty and one is not liable to bring a provisional guilt-offering.

וְלָא מִבָּעְיָא לְמַאן דַּאֲמַר בֵּית דִּין מְבִיאִין, דְּלָא אִפַּרְסְמָא מִלְּתָא, אֶלָּא אֲפִילּוּ לְמַאן דַּאֲמַר צִבּוּר מְבִיאִין, דְּמִפַּרְסְמָא מִלְּתָא וַהֲווּ אָמְרִינַן לֵיהּ, דְּהָכָא בְּסָפֵק מִבְּעוֹד יוֹם סָפֵק מִשֶּׁחֲשֵׁכָה, אִי שָׁאֵיל לָא אַשְׁכַּח אֵינָשׁ דְּמַשְׁיֵילֵיהּ.

And it is not necessary to state this **according to the one who said** that the **court brings** the offering, which is the case **when the matter is not publicized** that the court reversed its ruling; **but** it can be stated **even according to the one who said** that the **congregation brings** the offering, which is the case **when the matter is publicized** that the court reversed its ruling, **and** if he had asked **we would have said to him** that the court reversed its ruling. This is **because here, in** a case where there is **uncertainty** whether it atoned for him **while it is still day** and there is **uncertainty** whether it atoned for him **after nightfall, if he asks he would not find a person whom he** could **ask.**[N]

״אָמַר לוֹ בֶּן עַזַּאי: מַאי שְׁנָא מִן הַיּוֹשֵׁב״ כּוּ׳. שַׁפִּיר קָאָמַר לֵיהּ רַבִּי עֲקִיבָא לְבֶן עַזַּאי!

§ The mishna teaches that **ben Azzai said to** Rabbi Akiva: In **what** way is this person who went overseas **different from one who sits** in his house? Rabbi Akiva said to him: The difference is that with regard to one who sits in his house it would have been possible for him to hear of the court's reversal, but with regard to that person who went overseas, it would not have been possible for him to hear of the court's reversal. The Gemara asks: **Rabbi Akiva said well to ben Azzai.** How did a scholar of the caliber of ben Azzai fail to understand that distinction?

אָמַר רָבָא: הֶחֱזִיק בַּדֶּרֶךְ אִיכָּא בֵּינַיְיהוּ, לְבֶן עַזַּאי חַיָּיב – דְּהָא בְּבֵיתֵיהּ אִיתֵּיהּ, לְרַבִּי עֲקִיבָא פָּטוּר – דְּהָא הֶחֱזִיק בַּדֶּרֶךְ.

Rava said: The reference is not to one who already went to a country overseas; rather, it is a case of **one who set out on the way** but has not yet left his city in which **there is** a practical difference **between them.**[H] **According to ben Azzai** he is **liable, as** it is **in his home** city where **he is** located at this time and there is no difference between him and one who is sitting in his house. **According to Rabbi Akiva** he is **exempt, as he** has already **set out on** his **way.** Even though he is still in his home city, he is preoccupied with his travels and his status is like one who has already gone overseas.

NOTES

If he had asked they would have told him, etc. – אִי הֲוָה שָׁאֵיל הֲווּ אָמְרִין לֵיהּ וכו׳: Therefore, even though he did not know that the court reversed its ruling, since he could have easily ascertained the facts but failed to do so he is considered negligent, as though he were relying on his own judgment. Since the matter is not clear, he brings a provisional guilt-offering.

An analogy to illustrate the opinion of Sumakhos – מָשָׁל דְּסוּמְכוֹס: Some explain that the difference between the analogies cited to illustrate the opinions of Rabbi Elazar and Sumakhos conveys the basis of their dispute. According to Rabbi Elazar, the fundamental uncertainty is whether that person is considered a sinner. According to Sumakhos, the uncertainty is whether communal atonement is effective for his sin, and he would be included among them (*Keren Ora*).

A person who brings his atonement offering during twilight – אָדָם שֶׁהֵבִיא כַּפָּרָתוֹ בֵּין הַשְּׁמָשׁוֹת: There is a clear *halakha* that no offering may be slaughtered at night, and any offering slaughtered at night is completely disqualified from sacrifice on the altar. Twilight is characterized halakhically as an intermediate period, and there is uncertainty with regard to its status, i.e., whether it is day or it is night. Therefore, if one's atonement offering, e.g., a sin-offering, was slaughtered during twilight, there is uncertainty whether it was effective in providing atonement.

He would not find a person whom he could ask – לָא אַשְׁכַּח אֵינָשׁ דְּמַשְׁיֵילֵיהּ: Rashi does not explain this passage literally, but instead explains: It does not enter his mind to ask whether the court reversed its ruling. Therefore, the assumption is that he performs the transgression exclusively on the basis of the initial ruling of the court.

The commentaries explain that the uncertainty in this case is like the uncertainty with regard to twilight, in that even were he to ask, no answer would be forthcoming. Sumakhos holds that in the case of this unwitting action as well there is no way to ascertain his intent and his status. Therefore, he does not require an atonement offering, just like one whose uncertainty relates to the essence of twilight (see *Be'er Sheva*).

BACKGROUND

Twilight – בֵּין הַשְּׁמָשׁוֹת: This is the twilight period between the end of one day and the beginning of the next. It is generally understood to be the period between sunset and the emergence of the stars, which marks the end of one day and the beginning of the next day on the Hebrew calendar. The halakhic status of this period is one of uncertainty, and therefore the stringencies of both days apply.

HALAKHA

A case of one who set out on the way, there is a practical difference between them – הֶחֱזִיק בַּדֶּרֶךְ אִיכָּא בֵּינַיְיהוּ: One who was about to embark to countries overseas and performed a transgression on the basis of the ruling of the court that circulated throughout a majority of the public, even if he did so after the court reversed its ruling, is exempt from bringing an individual sin-offering, in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 14:5).

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״הוֹרוּ לוֹ בֵּית דִּין לַעֲקוֹר אֶת כָּל הַגּוּף״. תָּנוּ רַבָּנַן: ״וְנֶעְלַם דָּבָר״ – וְלֹא שֶׁיֵּעָקֵר הַמִּצְוָה כּוּלָּהּ. כֵּיצַד? אָמְרוּ: אֵין נִדָּה בַּתּוֹרָה, אֵין שַׁבָּת בַּתּוֹרָה, אֵין עֲבוֹדָה זָרָה בַּתּוֹרָה, יָכוֹל יְהוּ חַיָּיבִין? תַּלְמוּד לוֹמַר: ״וְנֶעְלַם דָּבָר״, וְלֹא שֶׁתִּתְעַלֵּם מִצְוָה כּוּלָּהּ – הֲרֵי אֵלּוּ פְּטוּרִין;

§ The mishna teaches: In a case where the judges of the **court issued** an erroneous **ruling to abolish the entire essence** of the mitzva, that is not a valid ruling, and the court is exempt from bringing an offering. **The Sages taught:** The verse states: **“And the matter is hidden** from the eyes of the congregation” (Leviticus 4:13), from which it is derived that there is liability only when a single matter is hidden **but not** in a case **where they will abolish the entire mitzva. How** so? If the court **said: There is no** prohibition against engaging in intercourse with **a menstruating woman** written **in the Torah,** or **there is no** prohibition against performing prohibited labor on **Shabbat** written **in the Torah,** or **there is no** prohibition against engaging in **idol worship** written **in the Torah,** one **might** have thought that the judges **would be liable.** Therefore, **the verse states: “And the matter is hidden,” and not that** the **entire mitzva will be hidden.**[H] Accordingly, if the judges issued that ruling, **they are exempt** from bringing an offering.

אֲבָל אָמְרוּ: יֵשׁ נִדָּה בַּתּוֹרָה אֲבָל הַבָּא עַל שׁוֹמֶרֶת יוֹם כְּנֶגֶד יוֹם פָּטוּר, יֵשׁ שַׁבָּת בַּתּוֹרָה אֲבָל הַמּוֹצִיא מֵרְשׁוּת הַיָּחִיד לִרְשׁוּת הָרַבִּים פָּטוּר, יֵשׁ עֲבוֹדָה זָרָה בַּתּוֹרָה אֲבָל הַמִּשְׁתַּחֲוֶה פָּטוּר, יָכוֹל יְהוּ פְּטוּרִין? תַּלְמוּד לוֹמַר: ״וְנֶעְלַם דָּבָר״, וְלֹא כָּל הַגּוּף.

But if the judges **said: There is** a prohibition against engaging in intercourse with **a menstruating woman** written **in the Torah, but one who engages in intercourse with** a woman **who observes** a clean **day for a day** she experiences a discharge is **exempt;** or if they said: **There is** a prohibition against performing prohibited labor on **Shabbat** written **in the Torah, but one who carries out** objects **from the private domain to the public domain** is **exempt;** or if they said: **There is** a prohibition against engaging in **idol worship** written **in the Torah, but one who bows** to the idol but did not sacrifice an offering is **exempt,** one **might** have thought that the judges **would be exempt.** Therefore, **the verse states: “And the matter is hidden,”** from which it is derived that there is liability only for a matter, a single detail, **but not** for **the entire essence.** In this case, since they ruled to abolish only a detail of the mitzva, the judges are liable.

אָמַר מָר: יָכוֹל יְהוּ פְּטוּרִין. וְאִי בְּקִיּוּם מִקְצָת וּבִישּׁוּל מִקְצָת פְּטוּרִין, וּבַעֲקִירַת כָּל הַגּוּף פְּטוּרִין, בְּמַאי חַיָּיבִין? תַּנָּא הָכִי קָא קַשְׁיָא לֵיהּ, אֵימָא: ״דָּבָר״ כּוּלָּהּ מִילְּתָא מַשְׁמַע! תַּלְמוּד לוֹמַר: ״וְנֶעְלַם דָּבָר״.

The Gemara analyzes the latter clause of the *baraita*. **The Master said:** One **might** have thought that the judges **would be exempt.** The Gemara asks: **But if in** a case of **sustaining a portion** of the mitzva **and nullifying a portion** of the mitzva the judges are **exempt, and in** a case of **abolishing the entire essence** of the mitzva the judges are **exempt,** as explained in the first clause of the *baraita*, **in what** case would they be **liable?** The Gemara answers: **This** is what is **difficult for the *tanna*: Say** that the term **“matter” is referring to the entire matter,** and the judges are liable even if they ruled to abolish the entire mitzva. Therefore, **the verse states: “And the matter is hidden** [*venelam davar*]**.”**

מַאי מַשְׁמַע? אָמַר עוּלָּא: קְרֵי בֵּיהּ ״וְנֶעְלַם מִדָּבָר״.

The Gemara asks: **From where** is this **inferred? Ulla said: Read into** the verse as though the letter *mem*, the last letter in the word *venelam*, is also appended to the beginning of the word *davar*, resulting in the phrase: ***Venelam middavar,*** meaning: Part of the matter is hidden, from which it is derived that there is liability for nullification of part of the matter, and not for abolishing the entire matter.

HALAKHA

וְלֹא שֶׁתִּתְעַלֵּם מִצְוָה כּוּלָּהּ – And not that the entire mitzva will be hidden: If a court issued a ruling to abolish an entire mitzva from the Torah, or to permit an action explicitly prohibited in the Torah, the status of that ruling is not that of a ruling that exempts those who perform a transgression on its basis from liability to bring a sin-offering. For example, if the court issued a ruling that it is permitted to engage in intercourse with a woman who observes a day for a day, it is as though they abolished the entire mitzva of a menstruating woman. Similarly, if they issued a ruling that it is permitted to carry an object from one domain to another on Shabbat, it is as though they abolished the entire mitzva of Shabbat. This is in accordance with the mishna and the statement of Rav Yehuda, citing Shmuel (Rambam *Sefer Korbanot, Hilkhot Shegagot* 14:2).

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חִזְקִיָּה אָמַר, אָמַר קְרָא: ״וְעָשׂוּ אַחַת מִכָּל מִצְוֹת״, ״מִכָּל מִצְוֹת״ – וְלֹא כָּל מִצְוֹת. ״מִצְוֹת״ – תַּרְתֵּי מַשְׁמַע! אָמַר רַב נַחְמָן בַּר יִצְחָק: ״מִצְוַת״ כְּתִיב.

Ḥizkiyya said that **the verse states: "And they performed one of all the mitzvot"** (Leviticus 4:13), from which it is inferred that one is liable for nullification for a portion **of all the mitzvot and not** for nullification of **all the mitzvot.** The Gemara asks: The term **mitzvot** is plural, which **indicates** at least **two.** If that is the source, there should be liability even if the judges issue a ruling abolishing the entire essence of one mitzva, as one mitzva is a portion of two mitzvot. **Rav Naḥman bar Yitzḥak said:** Although the word is vocalized in the plural, as mitzvot, the word ***mitzvat* is written,** without a second *vav*, as though it were in the singular.

רַב אַשִׁי אָמַר: יָלִיף ״דָּבָר״ ״דָּבָר״ מְזָקֵן מַמְרֵא, דִּכְתִיב בְּזָקֵן מַמְרֵא: ״כִּי יִפָּלֵא מִמְּךָ דָּבָר...לֹא תָסוּר מִן הַדָּבָר אֲשֶׁר יַגִּידוּ לְךָ יָמִין וּשְׂמֹאל״, מַה מַמְרֵא – מִן הַדָּבָר וְלֹא כָּל דָּבָר, אַף בְּהוֹרָאָה – ״דָּבָר״ וְלֹא כָּל הַגּוּף.

Rav Ashi said: The *tanna* **derives** a verbal analogy, learning the meaning of the term **"matter"** written in the context of the erroneous ruling **from** the term **"matter"** written in the context of the **rebellious elder. As it is written with regard to** the **rebellious elder: "If there shall be a matter** [*davar*] **too hard for you…You shall not turn aside from the matter** [*haddavar*] **that they shall declare unto you, to the right nor to the left"** (Deuteronomy 17:8–11). **Just as** one becomes **a rebellious** elder only when his dispute with the Sages is with regard to a portion **of the matter and not an entire matter, so too, with regard to** an erroneous **ruling** of the court, the error of the judges must be with regard to a portion of the **matter and not the entire essence** of the matter.

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: אֵין בֵּית דִּין חַיָּבִין עַד שֶׁיּוֹרוּ בְּדָבָר שֶׁאֵין הַצְּדוֹקִין מוֹדִין בּוֹ, אֲבָל בְּדָבָר שֶׁהַצְּדוֹקִין מוֹדִין בּוֹ – פְּטוּרִין; מַאי טַעְמָא? זִיל קְרֵי בֵּי רַב הוּא.

§ **Rav Yehuda says** that **Shmuel says: A court is not liable** to bring an offering **unless it issues** an erroneous **ruling concerning a matter with which the Sadducees**[B] **do not agree.** The Sadducees do not accept the Oral Torah, and they interpret the Written Torah literally. The court is liable only for a matter that is not explicitly written in the Torah or that does not clearly stem from that which is written in the Torah. **But with regard to** an erroneous ruling concerning **a matter with which the Sadducees agree,** the judges are **exempt. What is the reasoning** for this exemption? It **is** a topic that you could **go learn** in **a children's school.** Since the matter the judges ruled upon is so obvious, their ruling simply exhibits ignorance, and is not deemed a ruling.

תְּנַן: יֵשׁ נִדָּה בַּתּוֹרָה אֲבָל הַבָּא עַל שׁוֹמֶרֶת יוֹם כְּנֶגֶד יוֹם פָּטוּר; וְאַמַּאי? שׁוֹמֶרֶת יוֹם כְּנֶגֶד יוֹם הָא כְּתִיב: ״וְסָפְרָה לָהּ״, מְלַמֵּד שֶׁסּוֹפֶרֶת אֶחָד לְאֶחָד!

The Gemara cites proof against the statement of Rav Yehuda, citing Shmuel. **We learned** in the mishna: The judges are liable if they said: **There is** a prohibition against engaging in intercourse with **a menstruating woman** written **in the Torah, but one who engages in intercourse with** a woman **who observes** a clean **day for a day** she experiences a discharge is **exempt.** The Gemara asks: **And why** should they be liable in that case? The *halakha* of a woman **who observes a day for a day** that she experiences a discharge **is written** in the Torah with regard to a woman who experiences a discharge of blood during the eleven-day interval between menstrual periods: **"And she shall count for herself"** (Leviticus 15:28); this **teaches that she counts one** clean day **for one** day that she experiences a discharge. Since it is written in the Torah, even the Sadducees would agree.

דְּאָמְרִי: הַעֲרָאָה שַׁרְיָא, גְּמַר בִּיאָה הוּא דַּאֲסִירָא. הָא נַמִּי כְּתִיב: ״אֶת מְקוֹרָהּ הֶעֱרָה״!

The Gemara answers: The judges did not issue an erroneous ruling with regard to the *halakha* of a woman who observes a day for a day. Rather, the mishna is discussing a case **where they said: The initial stage of intercourse** [*ha'ara'a*][N] **is permitted** with a menstruating woman; **it is the completion of** the act of **intercourse that is prohibited.** The Gemara asks: **That *halakha* is also written: "He has uncovered** [*he'era*] **her fount"** (Leviticus 20:18), indicating that the first stage of intercourse with a menstruating woman is also prohibited.

דְּאָמְרִי: כִּדְרְכָּהּ אֲסִירָא, שֶׁלֹּא כִּדְרְכָּהּ שַׁרְיָא. הָא כְּתִיב: ״מִשְׁכְּבֵי אִשָּׁה״!

The Gemara says: Rather, it is a case **where they said:** Intercourse with her **in the typical manner** is **prohibited,** but intercourse **in an atypical manner,** i.e., anal intercourse, is **permitted.** The Gemara asks: **Isn't it written: "The manners in which one lies with a woman"** (Leviticus 18:22), in the plural, indicating that both intercourse in a typical manner and intercourse in an atypical manner are manners in which one lies with a woman?

BACKGROUND

Sadducees – צְדוֹקִים: The Sadducees were a heterodox sect that arose during the Second Temple period. This group did not accept the authority of the Oral Law, and interpreted the Written Torah independently. Several ordinances were instituted by the Sages during this period to underscore the differences between normative Jewish practice and that of the Sadducees, and to emphasize that the *halakha* ran counter to their rulings. The rabbinic ordinances included an oath administered to the High Priest before he entered the Holy of Holies on Yom Kippur that he would not deviate from the traditional protocol of the day, and that the testimony of witnesses to the new moon is accepted only if a second pair of witnesses attests to the reliability of the first pair.

NOTES

The initial stage of intercourse – הַעֲרָאָה: According to one amoraic opinion, the reference is to partial insertion of the corona of the penis, while another opinion holds that the reference is to contact between the sexual organs (see *Yevamot* 55b; *Be'er Sheva*).

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BACKGROUND

Zava – **זָבָה**: A *zava* is a woman who experiences a flow of blood on three consecutive days during a time of the month when she is not due to experience menstrual bleeding. The first discharge renders her ritually impure, but until the third discharge she is not subject to all the *halakhot* of a *zava*. After experiencing bleeding on a third consecutive day, the woman is a *zava* and is a primary source of impurity. Thereafter, she imparts ritual impurity in the manner that a *zav* does, i.e., through contact, through being carried or moved, and through objects upon which she sits or lies. In addition, a man who engages in intercourse with her becomes a primary source of ritual impurity and imparts ritual impurity to others. The woman is purified through immersion in a ritual bath after seven clean days during which there was no emission of blood. Unlike a menstruating woman, the *zava* immerses during the day. A *zava* brings an offering as part of her purification process.

HALAKHA

Passing or throwing is permitted – **מוֹשִׁיט וְזוֹרֵק שָׁרֵי**: If the court issued an erroneous ruling with regard to a matter that is not explicit in the Torah and does not abolish the entire mitzva, the court is liable to bring an offering, and one who performed a transgression on the basis of that ruling is exempt from bringing an individual sin-offering. An example is if the court issued a ruling that although there is a prohibition against carrying from domain to domain on Shabbat, is permitted to pass an object from one domain to another. Another example is if the court issued a ruling that although it is prohibited to bow to an idol with extension of arms and legs, it is permitted to bow without extending them (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 14:2).

דְּאָמְרִי: כְּדַרְכָּהּ – אָסוּר אֲפִילּוּ הַעֲרָאָה, בְּשֶׁלֹּא כְּדַרְכָּהּ – גְּמַר בִּיאָה הוּא דְּאָסוּר, אֲבָל הַעֲרָאָה – שַׁרְיָא. אִי הָכִי, אֲפִילּוּ נִדָּה נַמִי!

The Gemara says: Rather, it is a case **where they said:** With regard to intercourse **in a typical manner, even the initial stage of intercourse** is **forbidden.** With regard to intercourse **in an atypical manner, it is completion of** the act of **intercourse that** is **forbidden, but the initial stage of intercourse** is **permitted.** The Gemara asks: **If so,** then **even** in a case where they issued a ruling permitting the initial stage of intercourse in an atypical matter in the case of **a menstruating woman,** the judges should **also** be liable. Why does the mishna cite the case specifically with regard to a woman who observes a day for a day?

אֶלָּא לְעוֹלָם כְּדַרְכָּהּ, וּדְאָמְרִי: הַעֲרָאָה בְּאִשָּׁה דָּוָה הוּא דִּכְתִיבָא. וְאִיבָּעֵית אֵימָא, דְּאָמְרִי: זָבָה לָא הָוְיָא אֶלָּא בִּימֵמֵי, דִּכְתִיב: ״כָּל יְמֵי זוֹבָהּ״.

The Gemara says: **Rather, actually,** the reference is to a ruling permitting the initial stage of intercourse **in a typical manner, and** the judges **said:** In the case of the prohibition of **the initial stage of intercourse, it is with regard to an afflicted woman,** who experienced the discharge of blood during her menstrual period, **that it is written,** not with regard to one who experiences the discharge during the eleven days between the end of one menstrual period and the expected start of another. **And if you wish, say** instead **that they said:** A woman assumes the status of **a *zava*,**[B] i.e., one who experiences a discharge of blood for three consecutive days during those eleven days, **only** if she experienced the discharge **during the day,** not at night, **as it is written: "All the days of her discharge"** (Leviticus 15:26).

תְּנַן: יֵשׁ שַׁבָּת בַּתּוֹרָה אֲבָל הַמּוֹצִיא מֵרְשׁוּת לִרְשׁוּת פָּטוּר; וְאַמַּאי? הוֹצָאָה הָא כְּתִיבָא: ״לֹא תוֹצִיאוּ מַשָּׂא מִבָּתֵּיכֶם״!

Gemara offers proof against the statement of Rav Yehuda by citing Shmuel. **We learned** in the mishna: The judges are liable if they said: **There is** a prohibition against performing prohibited labor on **Shabbat** written **in the Torah, but one who carries out** objects **from** the private **domain to** the public **domain** is **exempt.** The Gemara asks: **And why** should they be liable in that case? With regard to **carrying out** into the public domain, **isn't it written: "Neither carry a burden out of your houses** on Shabbat" (Jeremiah 17:22), and the Sadducees agree to that prohibition.

[דְּאָמְרִי: הוֹצָאָה הוּא דְּאָסוּר, הַכְנָסָה מוּתָּר. וְאִיבָּעֵית אֵימָא] דְּאָמְרִי: הוֹצָאָה וְהַכְנָסָה הוּא דַּאֲסִירָא, מוֹשִׁיט וְזוֹרֵק שָׁרֵי.

The Gemara answers: It is a case **where** the judges **said:** It is **carrying** an object **out** to the public domain **that is prohibited,** but **carrying** an object **into** the private domain is **permitted. And if you wish, say** instead **that** the judges **said: It is carrying** an object **out** to the public domain **and carrying** an object **into** the private domain **that is prohibited.** But **passing or throwing** an object from domain to domain is **permitted.**[H]

תְּנַן: יֵשׁ עֲבוֹדָה זָרָה בַּתּוֹרָה אֲבָל הַמִּשְׁתַּחֲוֶה פָּטוּר; וְאַמַּאי? הַמִּשְׁתַּחֲוֶה הָא כְּתִיבָא, דִּכְתִיב: ״לֹא תִשְׁתַּחֲוֶה לְאֵל אַחֵר״!

The Gemara cites proof against the statement of Rav Yehuda, citing Shmuel. **We learned** in the mishna: The judges are liable if they said: **There is** a prohibition against engaging in **idol worship** written **in the Torah, but one who bows** to the idol but did not sacrifice an offering is **exempt.** The Gemara asks: **And why** should they be liable in that case? With regard to **one who bows** to an idol, **isn't it written** in the Torah, **as it is written: "You shall not bow to another god"** (Exodus 34:14)?

דְּאָמְרִי: כִּי אֲסִירָא הִשְׁתַּחֲוָיָה כְּדַרְכָּהּ, אֲבָל שֶׁלֹּא כְּדַרְכָּהּ שַׁרְיָא. וְאִיבָּעֵית אֵימָא, דְּאָמְרִי: הִשְׁתַּחֲוָיָה גּוּפָהּ כְּדַרְכָּהּ הוּא דַּאֲסִיר, דְּאִית בָּהּ פְּשׁוּט יָדַיִם וְרַגְלַיִם, הָא הִשְׁתַּחֲוָיָה דְּלֵית בָּהּ פְּשׁוּט יָדַיִם וְרַגְלַיִם שַׁרְיָא.

The Gemara answers that the reference is to a case **where** the judges **said: When bowing is forbidden** is when it represents **the typical manner**[N] of worship of that idol. **But** when bowing is **not its typical manner** of worship, it is **permitted. And if you wish, say** instead that the reference is to a case **where** the judges **said:** With regard to **bowing itself,** it is when it is performed **in its typical manner that** it is **prohibited.** What is the typical manner of bowing? It is bowing **that has in its** performance **extension of the arms and legs,** as it was practiced in the Temple. **But bowing that does not have in its** performance **extension of the arms and legs** is **permitted.**

NOTES

The typical manner – **כְּדַרְכָּהּ**: The halakhic conclusion is that there are two manners in which one is liable for idol worship. The first manner is by engaging in the rite typically employed in the worship of that idol. The other manner is by worshipping the idol in the manner that God is worshipped in the Temple, even if that specific idol is not typically worshipped in that manner.

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בָּעֵי רַב יוֹסֵף: אֵין חֲרִישָׁה בְּשַׁבָּת, מַהוּ? מִי אָמְרִינַן כֵּיוָן דְּקָא מוֹדוּ בְּכוּלְּהוּ מִלְּתָא, בְּבִיטּוּל מִקְצָת וְקִיּוּם מִקְצָת דָּמֵי, אוֹ דִלְמָא כֵּיוָן דְּקָא עָקְרִין לֵיהּ לַחֲרִישָׁה כָּל עִיקָּר, כַּעֲקִירַת גּוּף דָּמֵי?

§ Apropos the ruling of a court to nullify a mitzva, **Rav Yosef raises a dilemma:** If the court issued a ruling that **there is no** prohibition against **plowing on Shabbat,**[H] **what is** the *halakha*? The Gemara elaborates: **Do we say** that **since** the judges **agree to** the application of **the entire matter** of prohibitions on Shabbat and their ruling is exclusively with regard to plowing, its status is **tantamount to nullification of a portion** of the mitzva **and fulfillment of a portion** of the mitzva? **Or perhaps, since** the judges **are abolishing** the principal category of labor of **plowing in its entirety,** it is **tantamount to abolishing** the **essence** of the mitzva of Shabbat.

תָּא שְׁמַע: יֵשׁ נִדָּה בַּתּוֹרָה, אֲבָל הַבָּא עַל שׁוֹמֶרֶת יוֹם כְּנֶגֶד יוֹם פָּטוּר; וְאַמַּאי? הָא עָקְרִין לְשׁוֹמֶרֶת יוֹם כְּנֶגֶד יוֹם כָּל עִיקָּר!

The Gemara suggests: **Come** and **hear** resolution of the dilemma from the mishna, which gives as an example of a ruling for which the court is liable to bring an offering: **There is** a prohibition against engaging in intercourse with **a menstruating woman** written **in the Torah, but one who engages in intercourse with** a woman **who observes** a clean **day for a day** that she experiences a discharge is **exempt. And why** should they be liable in that case? **Didn't** the judges **abolish** the *halakha* of a woman **who observes** a clean **day for a day** that she experiences a discharge, **in its entirety?** Apparently, nullification of one category of *halakha* in a mitzva is not tantamount to abolition of the essence of an entire mitzva.

אָמַר לָךְ רַב יוֹסֵף: שׁוֹמֶרֶת יוֹם דְּקָאָמְרִין כִּדְשַׁנִּין.

The Gemara rejects this: **Rav Yosef** could **say to you:** The ruling concerning a woman **who observes** a clean **day** for a day that she experiences a discharge is **as we stated, as we explained** earlier. The reference is not to abolition of the entire *halakha* of the woman who observes a day for a day, but rather to a case where the judges ruled that the initial stage of intercourse is permitted.

תָּא שְׁמַע: יֵשׁ שַׁבָּת בַּתּוֹרָה, אֲבָל הַמּוֹצִיא מֵרְשׁוּת הַיָּחִיד לִרְשׁוּת הָרַבִּים פָּטוּר; וְאַמַּאי? הָא עָקְרִין לְהוֹצָאָה כָּל עִיקָּר!

The Gemara suggests: **Come** and **hear** resolution of the dilemma from the mishna, which gives as an example of a ruling for which the court is liable to bring an offering: **There is** a prohibition against performing prohibited labor on **Shabbat** written **in the Torah, but one who carries out** objects **from the private domain to the public domain** is **exempt. And why** should they be liable in that case? **Didn't** the judges **abolish** the *halakha* of the principal category of labor of **carrying out in its entirety?**

הָתָם נַמִּי כִּדְשַׁנִּין.

The Gemara rejects this: **That too** is **as we explained** earlier, that the court rules to nullify only a portion of the labor, e.g., throwing or passing an item from domain to domain.

תָּא שְׁמַע: יֵשׁ עֲבוֹדָה זָרָה בַּתּוֹרָה אֲבָל הַמִּשְׁתַּחֲוֶה פָּטוּר; אַמַּאי? וְהָא עָקְרִין לְהִשְׁתַּחֲוָיָה כָּל עִיקָּר!

The Gemara suggests: **Come** and **hear** resolution of the dilemma from the mishna, which gives as an example of a ruling for which the court is liable to bring an offering: **There is** a prohibition against engaging in **idol worship** written **in the Torah, but one who bows** to the idol but did not sacrifice an offering is **exempt. And why** should the court be liable in that case? **But didn't** the judges **abolish** the *halakha* of **bowing in its entirety?**

אָמְרִי: הִשְׁתַּחֲוָיָה נַמִּי כִּדְשַׁנִּין.

The Sages **say: Bowing, too,** is **as we explained** earlier, that the court rules to nullify only an aspect of bowing, not to abolish the prohibition against bowing in its entirety.

HALAKHA

There is no prohibition against plowing on Shabbat – אֵין חֲרִישָׁה בְּשַׁבָּת: If a court issued a ruling that there is no prohibition against plowing on Shabbat, it is liable to bring an offering. Some suggest that the Rambam had a variant reading later in the Gemara: Come and hear a resolution of the dilemma from the fact that Rabbi Zeira raises a dilemma. This would mean that through resolution of the dilemma of Rabbi Zeira, the dilemma of Rav Yosef can also be resolved (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 14:2, and *Kesef Mishne* and *Leḥem Mishne* there).

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בָּעֵי רַבִּי זֵירָא: אֵין שַׁבָּת בַּשְּׁבִיעִית, מַהוּ? בְּמַאי טָעוּ? בְּהָדֵין קְרָא: "בֶּחָרִישׁ וּבַקָּצִיר תִּשְׁבֹּת", בְּזְמַן דְּאִיכָּא חֲרִישָׁה אִיכָּא שַׁבָּת, וּבְזְמַן דְּלֵיכָּא חֲרִישָׁה לֵיכָּא שַׁבָּת,

Apropos rulings to nullify a mitzva or part of a mitzva, **Rabbi Zeira raises a dilemma:** If a court issued a ruling that **there is no** prohibition against performing prohibited labor on **Shabbat during the Sabbatical** Year,[B] **what is** the *halakha*? Before seeking to resolve that dilemma, the Gemara asks: **With regard to what** matter **did they err** that resulted in that ruling? They erred **with regard to this verse** written with regard to Shabbat: **"In plowing and in harvest**[N] **you shall rest"** (Exodus 34:21), which the judges interpreted to mean: **During a time when there is plowing,** i.e., in all years of the Sabbatical cycle other than the Sabbatical Year, **there is** a prohibition against performing labor on **Shabbat. But during a time when there is no plowing,** i.e., during the Sabbatical Year, **there is no** prohibition against performing labor on **Shabbat.**

מִי אָמְרִינַן: כֵּיוָן דִּמְקַיְּימִין לָהּ בִּשְׁאָר שְׁנֵי שָׁבוּעַ, כְּבִיטּוּל מִקְצָת וְקִיּוּם מִקְצָת דָּמֵי, אוֹ דִלְמָא כֵּיוָן דְּקָא עָקְרָיְין לֵיהּ בַּשְּׁבִיעִית, כַּעֲקִירַת הַגּוּף דָּמֵי?

The Gemara elaborates on Rabbi Zeira's dilemma. **Do we say: Since one fulfills** the mitzva of Shabbat **during the rest of the years of the Sabbatical** cycle, nullifying Shabbat during the Sabbatical Year is **tantamount to nullification of a portion** of the mitzva **and fulfillment of a portion** of the mitzva? **Or perhaps, since** the court **is abolishing** Shabbat **during the Sabbatical** Year, it is **tantamount to abolishing the** entire **essence** of the mitzva?

אֲמַר רָבִינָא, תָּא שְׁמַע: נָבִיא שֶׁנִּתְנַבֵּא לַעֲקוֹר דָּבָר מִדִּבְרֵי תוֹרָה – חַיָּיב, לְבִיטּוּל מִקְצָת וּלְקִיּוּם מִקְצָת – רַבִּי שִׁמְעוֹן אוֹמֵר: פָּטוּר. וּבַעֲבוֹדָה זָרָה, אֲפִילּוּ אָמַר: הַיּוֹם עִבְדָה וּלְמָחָר בַּטְלָהּ – חַיָּיב; שְׁמַע מִינָּהּ: אֵין שַׁבָּת בַּשְּׁבִיעִית – כְּבִיטּוּל מִקְצָת וְקִיּוּם מִקְצָת דָּמֵי, שְׁמַע מִינָּהּ.

Ravina said: Come and **hear** resolution of the dilemma from a *baraita*: In the case of **a prophet who prophesies to abolish a matter**[H] **of the matters of the Torah,** he is deemed a false prophet and is **liable** to be executed through strangulation. If he prophesies **for the nullification of part and the fulfillment of part** of a matter in the Torah, **Rabbi Shimon says** he is **exempt** from execution. **And with regard to idol worship, even** if he **says: Worship it today and revoke its status tomorrow,** everyone agrees that he is **liable,** as with regard to idol worship, even a ruling to nullify part of the mitzva involves a severe prohibition. **Learn from it** that in a case where a court issued a ruling that **there is no** prohibition against performing prohibited labor on **Shabbat during the Sabbatical** Year, it is **tantamount to nullification of a portion** of the mitzva **and fulfillment of a portion** of the mitzva. The Gemara affirms: Indeed, **learn from it.**

NOTES

In plowing and in harvest – בֶּחָרִישׁ וּבַקָּצִיר: There is a logical basis for this understanding. Since the Torah characterizes the entire Sabbatical Year as Shabbat, perhaps the *halakhot* of the weekly Shabbat are suspended during that year.

BACKGROUND

The Sabbatical Year – שְׁבִיעִית: During the Sabbatical Year, the seventh year of the Sabbatical cycle in Eretz Yisrael, the land must lie fallow. It is prohibited to work the land, except for tasks necessary to sustain existing crops. All produce that grows is ownerless and must be left in the field unprotected so that people and any creature, including wild animals and birds, can have ready access to it. As long as produce remains in the fields, one may continue eating the produce in his house. The produce may not be bought and sold in the typical manner or utilized for purposes other than food.

After the last remnants of a crop are no longer in the field, the part of the crop that had been brought into the house may no longer be eaten and must be eradicated. Some commentaries explain that this is fulfilled by destroying it. Others hold that one must remove it from his possession and declare it ownerless, after which he, or anyone else, may take possession of that produce. By rabbinic decree, it is prohibited to eat produce that grew from seeds during the Sabbatical Year, even if it grew spontaneously. According to some authorities this is prohibited by Torah law.

Field left fallow in Israel during the Sabbatical Year

HALAKHA

A prophet who prophesies to abolish a matter – נָבִיא שֶׁנִּתְנַבֵּא לַעֲקוֹר דָּבָר: If a prophet who has assumed the presumptive status of a prophet prophesies to abolish a mitzva from the Torah on a permanent basis, he is a false prophet and is liable to be executed through strangulation. If he prophesies to suspend the mitzva on a temporary basis, one is obligated to heed his prophecy. This is the *halakha* with regard to all mitzvot, with the exception of idol worship. If that prophet prophesies to suspend the prohibition against idol worship even on a temporary basis, one must not heed his prophecy, as he is a false prophet. This is in accordance with the statement of Rabbi Shimon, as the Rabbis agree (Rambam *Sefer HaMadda*, *Hilkhot Yesodei HaTorah* 9:3–4).

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מתני׳ הוֹרוּ בֵּית דִּין, וְיָדַע אֶחָד מֵהֶן שֶׁטָּעוּ וְאָמַר לָהֶן: ״טוֹעִין אַתֶּם״, אוֹ שֶׁלֹּא הָיָה מוּפְלָא שֶׁל בֵּית דִּין שָׁם, אוֹ שֶׁהָיָה אֶחָד מֵהֶן גֵּר אוֹ מַמְזֵר אוֹ נָתִין, אוֹ זָקֵן שֶׁלֹּא רָאוּי לְבָנִים – הֲרֵי זֶה פָּטוּר,

MISHNA If the **court issued a ruling, and one of** the judges **knew that they erred and he said to them: You are mistaken; or if the most distinguished** [*mufla*][L] member **of the court was not there**[H] for that session of the Sanhedrin, **or if one of** the judges **was** disqualified from serving as a judge, e.g., because he was **a convert, or a child born from an incestuous or adulterous relationship** [*mamzer*],[B] **or a Gibeonite,**[B] **or an old man no** longer **able to** father **children,**[N] **this** court **is exempt,** because they have not rendered a full-fledged ruling.

שֶׁנֶּאֱמַר כָּאן ״עֵדָה״ וְנֶאֱמַר לְהַלָּן ״עֵדָה״, מָה ״עֵדָה״ הָאֲמוּרָה לְהַלָּן – כּוּלָּן רְאוּיִן לְהוֹרָאָה, אַף ״עֵדָה״ הָאֲמוּרָה כָּאן – עַד שֶׁיִּהְיוּ כּוּלָּן רְאוּיִן לְהוֹרָאָה.

This is derived by means of a verbal analogy, **as "assembly" is stated here** with regard to a court that issues an erroneous ruling: "And if the entire assembly of Israel shall act unwittingly" (Leviticus 4:13), **and "assembly" is stated there** with regard to the *halakha* of one who commits murder unwittingly: "And the assembly shall judge between the one who struck and the blood redeemer" (Numbers 35:24). **Just as** in the **"assembly" stated there,** with regard to the unwitting murderer, **all** the judges must be **fit to issue rulings, so too,** in the **"assembly" stated here,** with regard to the court that issued an erroneous ruling; the court will not be liable **unless all** the judges **will be fit to issue rulings.**

גמ׳ אוֹ שֶׁלֹּא הָיָה מוּפְלָא שֶׁל בֵּית דִּין שָׁם. מְנָלַן? אָמַר רַב שֵׁשֶׁת, וְכֵן תָּנָא דְּבֵי רַבִּי יִשְׁמָעֵאל, מִפְּנֵי מָה אָמְרוּ: הוֹרוּ בְּדָבָר שֶׁהַצְּדוֹקִין מוֹדִין בּוֹ – פְּטוּרִין? מִפְּנֵי שֶׁהָיָה לָהֶם לִלְמוֹד וְלֹא לָמְדוּ. לֹא הָיָה מוּפְלָא שֶׁל בֵּית דִּין שָׁם נַמִּי פְּטוּרִין, מִפְּנֵי שֶׁהָיָה לָהֶם לִלְמוֹד וְלֹא לָמְדוּ.

GEMARA The mishna teaches: **Or if the most distinguished member of the court was not there,** the court is exempt. **From where do we** derive this *halakha*? **Rav Sheshet said, and likewise the school of Rabbi Yishmael taught: For what** reason **did** the Sages **say:** If the court **issued a ruling with regard to a matter with which the Sadducees agree,** the judges are **exempt?** It is **due to** the fact **that it was** incumbent **upon them to learn** that *halakha* that is written explicitly in the Torah, **and they did not learn** it. Similarly, in a case where **the most distinguished member of the court was not there,** the judges are **also exempt, as it was** incumbent **upon them to learn and they did not learn.**

״נֶאֱמַר שָׁם עֵדָה וְנֶאֱמַר כָּאן עֵדָה...עַד שֶׁיִּהְיוּ כּוּלָּן רְאוּיִן לְהוֹרָאָה״. וְהָתָם מְנָלַן? דְּאָמַר רַב חִסְדָּא אָמַר קְרָא: ״וְהִתְיַצְּבוּ שָׁם עִמָּךְ״, ״עִמָּךְ״ – בְּדוֹמִין לָךְ.

The mishna teaches: **"Assembly" is stated there and "assembly" is stated here...** the court will not be liable **unless all** the judges **will be fit to issue rulings.** The Gemara asks: **And there, from where do we** derive that all the judges must be fit to issue rulings? The Gemara answers that this is **as Rav Ḥisda says** that **the verse states** in connection with the transfer of the Divine Spirit from Moses to the Elders: "**That they may stand there with you**" (Numbers 11:16). The term "**with you**" is explained to mean: **With similarity to you,** in the sense that they must be fit to issue rulings.

וְאֵימָא: עִמָּךְ לַשְּׁכִינָה! אֶלָּא אָמַר רַב נַחְמָן בַּר יִצְחָק, אָמַר קְרָא: ״וְנָשְׂאוּ אִתָּךְ״, אִתָּךְ – בְּדוֹמִין לָךְ.

The Gemara challenges: **And say that** the term "**with you,**" means that they shall be like Moses in that they will all be fit **for the Divine Presence** to rest upon them. **Rather, Rav Naḥman bar Yitzḥak says** that it is derived as **the verse states** in the context of the advice that Yitro gave to Moses: "And they shall judge the people at all times... and ease your burden from upon you **and bear it with you**" (Exodus 18:22). "**With you**" is interpreted to mean: **Similar to you.**

LANGUAGE

Most distinguished [*mufla*] – מוּפְלָא: The term as it is used here means outstanding. It contains the same root letters as the terms wondrous [*peleh*] and distinct [*nifla*].

HALAKHA

If the most distinguished member of the court was not there – לֹא הָיָה מוּפְלָא שֶׁל בֵּית דִּין שָׁם: If the court issued an erroneous ruling to permit a Torah prohibition and the head of the yeshiva, who is the most distinguished member of the court, was not present; or if one of the judges was unfit to serve on the Sanhedrin, e.g., he was a convert, a *mamzer*, an old man, or a man without children, the court's ruling is not a ruling and the court is exempt from bringing an offering. The people who performed a transgression on the basis of the court's ruling are liable to bring an individual sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:1, and see *Leḥem Mishne* there).

NOTES

An old man no longer able to father children – זָקֵן שֶׁלֹּא רָאוּי לְבָנִים: In many sources there is a variant reading that divides this passage in two, teaching that an old man and an individual incapable of fathering children are both disqualified from serving as a judge.

BACKGROUND

***Mamzer* – מַמְזֵר:** A *mamzer* is a child born from an incestuous or adulterous relationship, i.e., a child born from intercourse between a married woman and a man other than her husband, or between relatives who are forbidden to one another by Torah law, where those who engaged in intercourse are liable to receive *karet*. An exception to this is one who engages in intercourse with a menstruating woman. Although he and the woman are liable to receive *karet*, the offspring is not a *mamzer*. Likewise, the offspring of an unmarried man and woman is not a *mamzer*. A *mamzer* inherits from his father and is his father's son in every halakhic sense. A *mamzer* may marry only a *mamzeret* or a convert to Judaism. Likewise, a *mamzeret* may marry only a *mamzer* or a convert. The offspring of that union is a *mamzer* as well. *Mamzer* status continues through the family lineage forever.

Gibeonite – נָתִין: The book of Joshua (chapter 9) relates the story of the Gibeonites, a people who tricked the Jewish people into believing that they were not inhabitants of Canaan. The ruse was successful in preventing the Gibeonites' conquest by Joshua's army. After Joshua agreed to a non-aggression treaty, it was discovered that the Gibeonites were in fact a Canaanite nation and did not hail from a distant land, as they had claimed. Therefore, they were subject to the Torah prohibition: "You shall make no covenant with them" (Deuteronomy 7:2).

Joshua fought a war on behalf of the Gibeonites (Joshua, chapter 10) and relegated them to service as wood cutters and water drawers for the Jewish people after it was discovered that they had lied. During his reign, King David decreed that the Gibeonites may never convert, due to their lack of the qualities of mercy and kindness. As marrying them is not a prohibition by Torah law, Gibeonites are secondary forbidden relatives by rabbinic law. Descendants of Gibeonites are called *netunim*, perhaps due to the fact that they were given [*netunim*] to the Jewish people in servitude (see Joshua 9:27).

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NOTES

Performed a transgression unwittingly in a manner similar to that of an intentional transgression – שׁוֹגֵג דּוֹמֶה דְּמֵזִיד: Although his performance of the action was unwitting in every sense, his action is similar to an intentional action in another regard: He did not associate his action with the ruling of the court, but rather performed the transgression on the basis of his own judgment. He did not intend to perform a transgression, but he did rely on his own judgment.

מתני׳ הוֹרוּ בֵּית דִּין שׁוֹגְגִין וְעָשׂוּ כָּל הַקָּהָל שׁוֹגְגִין – מְבִיאִין פָּר, מְזִידִין וְעָשׂוּ שׁוֹגְגִין – מְבִיאִין כִּשְׂבָּה וּשְׂעִירָה, שׁוֹגְגִין וְעָשׂוּ מְזִידִין – הֲרֵי אֵלּוּ פְּטוּרִין.

MISHNA If the judges of the **court issued** an erroneous **ruling unwittingly**[H] **and the entire congregation performed** a transgression **unwittingly** on the basis of their ruling, the court **brings a bull,** as it is stated in the Torah with regard to an unwitting communal sin-offering. If the court issued the erroneous ruling **intentionally,** as they knew that their ruling was incorrect, **and** the congregation **performed** a transgression **unwittingly**[H] on the basis of the ruling of the court, each member of the congregation **brings a female lamb or a female goat** as an individual sin-offering. If the court issued the erroneous ruling **unwittingly and** the congregation **performed** a transgression **intentionally,**[H] i.e., with the knowledge that the ruling of the court was erroneous, **these** people **are exempt** from bringing an offering.

גמ׳ ״שׁוֹגְגִין וְעָשׂוּ מְזִידִין – הֲרֵי אֵלּוּ פְּטוּרִין״. הָא שׁוֹגֵג דּוֹמֶה דְּמֵזִיד – חַיָּיב, וְהֵיכִי דָּמֵי? שֶׁהוֹרוּ בֵּית דִּין שֶׁחֵלֶב מוּתָּר וְנִתְחַלֵּף לוֹ בְּשׁוּמָּן וַאֲכָלוֹ,

GEMARA The mishna teaches: If the court issued the erroneous ruling **unwittingly and** the congregation **performed** a transgression **intentionally, these** people **are exempt.** The Gemara infers: **But** if the person performed a transgression **unwittingly** in a manner **similar to** that of **an intentional** transgression,[N] the court is **liable. And what are the circumstances** of that performance? It is a case **where the court issued a ruling that** forbidden **fat** is **permitted, and** the forbidden **fat became confused for** a person **with** permitted **fat and he ate** the forbidden fat.

לֵימָא: תִּפְשׁוֹט הָא דְּבָעֵי רָמֵי בַּר חָמָא! אָמַר לָךְ, מִשּׁוּם דְּתָנָא רֵישָׁא: מְזִידִין וְעָשׂוּ שׁוֹגְגִין, תָּנָא סֵיפָא: שׁוֹגְגִין וְעָשׂוּ מְזִידִין.

The Gemara suggests: If so, **let us say: Resolve** from here **that which Rami bar Ḥama raises as a dilemma** (2a) with regard to this case, a dilemma that remained unresolved. The Gemara rejects this: Rami bar Ḥama could **say to you** that the dilemma cannot be resolved based on this inference, as **due to** the fact **that** the *tanna* **taught the first clause** of the mishna: If the court issued the erroneous ruling **intentionally, and** the congregation **performed** a transgression **unwittingly, he taught the latter clause** employing a similar style: If the court issued the erroneous ruling **unwittingly and** the congregation **performed** a transgression **intentionally.**

מתני׳ הוֹרוּ בֵּית דִּין וְעָשׂוּ כָּל הַקָּהָל אוֹ רוּבָּן עַל פִּיהֶן – מְבִיאִין פָּר, וּבַעֲבוֹדָה זָרָה – מְבִיאִין פָּר וְשָׂעִיר, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי יְהוּדָה אוֹמֵר: שְׁנֵים עָשָׂר שְׁבָטִים מְבִיאִין שְׁנֵים עָשָׂר פָּרִים, וּבַעֲבוֹדָה זָרָה – מְבִיאִין שְׁנֵים עָשָׂר פָּרִים וּשְׁנֵים עָשָׂר שְׂעִירִים;

MISHNA If the judges of **the court issued** an erroneous **ruling and the entire congregation or a majority thereof performed** a transgression **on the basis of their** ruling, the judges **bring a bull** as an unwitting communal sin-offering. **And** if the erroneous ruling **involved idol worship,** the judges **bring a bull and a goat,** as it is written in the Torah (see Numbers 15:24); this is **the statement of Rabbi Meir. Rabbi Yehuda says:** It is not the court that brings the offering, it is the people. **Twelve tribes,**[H] each of which performed a transgression, **bring twelve bulls,** i.e., each tribe brings one, **and for idol worship they bring twelve bulls and twelve goats,** as each tribe is a congregation.

HALAKHA

If the judges of the court issued an erroneous ruling unwittingly, etc. – הוֹרוּ בֵּית דִּין שׁוֹגְגִין וכו׳: If the court unwittingly issued a ruling and permitted a matter that is prohibited by Torah law, and a majority of the congregation unwittingly performed a transgression on the basis of that ruling, the court is liable to bring an offering and the people who performed the transgression are exempt (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1–2).

The court issued it intentionally and the congregation performed it unwittingly – מְזִידִין וְעָשׂוּ שׁוֹגְגִין: If the court intentionally issued an erroneous ruling to permit a matter that is prohibited by Torah law, and a majority of the congregation unwittingly performed a transgression on the basis of that ruling, the court is exempt from liability to bring an offering because they issued the ruling intentionally. Each member of the congregation who performed the transgression is liable to bring an individual sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:6).

The court issued it unwittingly and the congregation performed it intentionally – שׁוֹגְגִין וְעָשׂוּ מְזִידִין: If the court unwittingly issued a ruling and permitted a matter that is prohibited by Torah law, and the congregation was aware of the error but nevertheless performed the transaction on the basis of the court's ruling, everyone is exempt from liability to bring an offering. Since the congregation did not act on the basis of the ruling of the court, they have acted intentionally and are exempt from liability to bring an offering. The court is exempt because the congregation did not perform the transgression on the basis of its ruling (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:6).

Twelve tribes, etc. – שְׁנֵים עָשָׂר שְׁבָטִים וכו׳: If a majority of the congregation sinned, they are liable to bring offerings corresponding to the number of tribes. For all transgressions, each tribe brings a bull as a sin-offering. For idol worship, each tribe brings a bull as a burnt-offering and a goat as a sin-offering. This is in accordance with the opinion of Rabbi Yehuda, as the *halakha* is in accordance with his opinion in disputes with Rabbi Meir and Rabbi Shimon (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1).

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רַבִּי שִׁמְעוֹן אוֹמֵר: שְׁלֹשָׁה עָשָׂר פָּרִים, וּבַעֲבוֹדָה זָרָה – שְׁלֹשָׁה עָשָׂר פָּרִים וּשְׁלֹשָׁה עָשָׂר שְׂעִירִים, פָּר וְשָׂעִיר לְכָל שֵׁבֶט וְשֵׁבֶט, פָּר וְשָׂעִיר לְבֵית דִּין.

Rabbi Shimon says: They bring **thirteen bulls; and for idol worship** they bring **thirteen bulls and thirteen goats, a bull and a goat for each and every tribe**[B] **and a bull and a goat for the court.**

הוֹרוּ בֵּית דִּין וְעָשׂוּ שִׁבְעָה שְׁבָטִים אוֹ רוּבָּן עַל פִּיהֶן – מְבִיאִין פָּר, וּבַעֲבוֹדָה זָרָה – מְבִיאִין פָּר וְשָׂעִיר, דִּבְרֵי רַבִּי מֵאִיר; רַבִּי יְהוּדָה אוֹמֵר: שִׁבְעָה שְׁבָטִים שֶׁחָטְאוּ מְבִיאִין שִׁבְעָה פָּרִים, וּשְׁאָר שְׁבָטִים שֶׁלֹּא חָטְאוּ מְבִיאִין עַל יְדֵיהֶן פָּר, שֶׁאַף אֵלּוּ שֶׁלֹּא חָטְאוּ מְבִיאִין עַל יְדֵי חוֹטְאִין; רַבִּי שִׁמְעוֹן אוֹמֵר: שְׁמוֹנָה פָּרִים, וּבַעֲבוֹדָה זָרָה – שְׁמוֹנָה פָּרִים וּשְׁמוֹנָה שְׂעִירִים, פָּר וְשָׂעִיר לְכָל שֵׁבֶט וְשֵׁבֶט, פָּר וְשָׂעִיר לְבֵית דִּין.

The mishna continues: If the judges of the **court issued a ruling, and** at least **seven tribes, or a majority of** each of those tribes,[N] **performed** a transgression **on the basis of their** ruling, the judges **bring a bull; and for idol worship they bring a bull and a goat.** This is **the statement of Rabbi Meir. Rabbi Yehuda says:** The **seven tribes that sinned**[H] **bring seven bulls,** i.e., each tribe brings one bull, **and** each of **the rest of the tribes,** i.e., those **that did not sin, brings** one **bull on the basis of** the sin of the other tribes, **as even those who did not sin bring** an offering **on the basis of** the actions of the **sinners. Rabbi Shimon says:** When seven tribes sin **eight bulls** are brought as offerings, one bull for each and every tribe and one bull for the court. **And for idol worship, eight bulls and eight goats** are brought, one **bull and** one **goat for each and every tribe** and one **bull and** one **goat for** the **court.**

הוֹרוּ בֵּית דִּין שֶׁל אֶחָד מִן הַשְּׁבָטִים וְעָשָׂה אוֹתוֹ הַשֵּׁבֶט עַל פִּיהֶן – אוֹתוֹ שֵׁבֶט הוּא חַיָּיב, וּשְׁאָר כָּל הַשְּׁבָטִים פְּטוּרִין, דִּבְרֵי רַבִּי יְהוּדָה; וַחֲכָמִים אוֹמְרִים: אֵין חַיָּיבִין אֶלָּא עַל הוֹרָיוֹת בֵּית דִּין הַגָּדוֹל בִּלְבַד, שֶׁנֶּאֱמַר "וְאִם כָּל עֲדַת יִשְׂרָאֵל יִשְׁגּוּ", וְלֹא עֲדַת אוֹתוֹ שֵׁבֶט.

If the **court of one of the tribes issued a ruling and** the majority of **that tribe performed** a transgression **on the basis of its** ruling, **that tribe is liable** to bring an offering **and the rest of all the tribes**[N] are **exempt;** this is **the statement of Rabbi Yehuda. And the Rabbis say: One is liable** to bring an offering for an unwitting communal sin **only for rulings of the High Court alone,**[H] **as it is stated: "And if the entire assembly of Israel shall act unwittingly"** (Leviticus 4:13), from which it is derived that there is liability only for a ruling of the assembly, i.e., the court, of the entire people, **but not** for a ruling of **the assembly of that** particular **tribe.**

גמ' תָּנוּ רַבָּנַן: יָדְעוּ שֶׁהוֹרוּ וְטָעוּ מָה הוֹרוּ, יָכוֹל יְהוּ חַיָּיבִין? תַּלְמוּד לוֹמַר: "וְנוֹדְעָה הַחַטָּאת", וְלֹא שֶׁיִּוָּדְעוּ הַחוֹטְאִין;

GEMARA The Gemara elaborates on the dispute cited in the mishna. **The Sages taught** in a *baraita*: In a case where the judges **knew that they issued** an erroneous **ruling, and erred** in remembering which erroneous **ruling they issued,**[H] one **might** have thought that **they would be liable** to bring an offering for this. **The verse states: "And the sin** that they sinned **became known,** the congregation shall sacrifice" (Leviticus 4:14), indicating that liability is only in a case where the sin became known to the court that issued the erroneous ruling, **and not** in a case **where it became known** only **to the sinners.** In this case, the sinners are certain that they sinned, but the court does not know the sin with regard to which it issued the ruling.

"אֲשֶׁר חָטְאוּ" – חָטְאוּ שְׁנֵי שְׁבָטִים מְבִיאִין שְׁנֵי פָּרִים, חָטְאוּ שְׁלֹשָׁה מְבִיאִין שְׁלֹשָׁה. אוֹ אֵינוֹ אוֹמֵר אֶלָּא חָטְאוּ שְׁנֵי יְחִידִים מְבִיאִין שְׁנֵי פָּרִים, חָטְאוּ שְׁלֹשָׁה מְבִיאִין שְׁלֹשָׁה? תַּלְמוּד לוֹמַר: "הַקָּהָל", הַקָּהָל חַיָּיב, וְכָל קָהָל וְקָהָל חַיָּיב, כֵּיצַד? חָטְאוּ שְׁנֵי שְׁבָטִים מְבִיאִין שְׁנֵי פָּרִים, חָטְאוּ שִׁבְעָה מְבִיאִין שִׁבְעָה, וּשְׁאָר שְׁבָטִים שֶׁלֹּא חָטְאוּ מְבִיאִין עַל יְדֵיהֶן פָּר פָּר, שֶׁאַפִּילּוּ אֵלּוּ שֶׁלֹּא חָטְאוּ מְבִיאִין עַל יְדֵי חוֹטְאִין, לְכָךְ נֶאֱמַר "קָהָל" – לְחַיֵּיב עַל כָּל קָהָל וְקָהָל, דִּבְרֵי רַבִּי יְהוּדָה;

From the phrase **"that they sinned"** it is derived: If **two tribes sinned they bring two bulls,** one from each tribe; if **three** tribes **sinned they bring three** bulls, one from each tribe. **Or** perhaps that phrase **says only** that if **two individuals sinned they bring two bulls,** one from each individual; if **three** individuals **sinned they bring three** bulls, one from each individual. Therefore, **the verse states: "The congregation,"** from which it is derived: **The congregation** is **liable, and each and every congregation** is **liable. How** so? If **two tribes sinned they bring two bulls.** If **seven** tribes **sinned they bring seven** bulls. **And each** of **the rest of the tribes that did not sin brings** one **bull on the basis of** the sin of the other tribes, **as even those** tribes **that did not sin bring** an offering **on the basis of** the actions of **the sinners. For that** reason **"congregation" is stated** in the verse, **to render each and every congregation liable.** This is **the statement of Rabbi Yehuda.**

BACKGROUND

For each and every tribe – לְכָל שֵׁבֶט וְשֵׁבֶט: In this context, the tribe of Levi is not included in the tally of the tribes in determining liability to bring an unwitting communal sin-offering. Instead, the twelve tribes include the tribes of Ephraim and Manasseh, descendants of the sons of Joseph. The Gemara (6b) attributes the exclusion of the tribe of Levi to the fact that it did not inherit tribal land in Eretz Yisrael.

NOTES

Seven tribes or a majority of those tribes – שִׁבְעָה שְׁבָטִים אוֹ רוּבָּן: This is referring to a majority of each tribe, provided they combine to constitute a majority of the entire Jewish people residing in Eretz Yisrael (Rashi).

And the rest of all the tribes – וּשְׁאָר כָּל הַשְּׁבָטִים: Although Rabbi Yehuda holds that the tribes that did not sin are drawn after those who sinned in terms of liability to bring an offering, he concedes that this is the *halakha* only when the transgression was performed on the basis of the ruling of the Sanhedrin (Rabbeinu Yehonatan of Lunel).

HALAKHA

Seven tribes that sinned – שִׁבְעָה שְׁבָטִים שֶׁחָטְאוּ: If the majority of the population of the people or a majority of the tribes perform a transgression on the basis of an erroneous ruling of the court, each tribe brings a sin-offering, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1).

Rulings of the High Court alone – הוֹרָיוֹת בֵּית דִּין הַגָּדוֹל בִּלְבַד: This *halakha* that a court that issued an erroneous ruling brings an offering and exempts all the individuals from bringing sin-offerings applies only to rulings of the Sanhedrin consisting of seventy-one members (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:2, 13:1).

Erred in remembering which erroneous ruling they issued – טָעוּ מָה הוֹרוּ: If a court issued an erroneous ruling and forgot the topic of it, then even if the congregation reminds them of their ruling, the court is exempt and each person who performed the transgression on the basis of its ruling is liable to bring an individual sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 14:4).

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HALAKHA

If six tribes sinned – חָטְאוּ שִׁשָּׁה שְׁבָטִים: If a majority of the people sinned, even if those who sinned do not constitute a majority of the tribes, or if the people of a majority of the tribes sinned even though they constitute a minority of the population, the court is liable to bring an offering and those who performed the transgression are exempt, in accordance with the opinion of Rabbi Shimon ben Elazar (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1, 13:2).

BACKGROUND

***Notar* – נוֹתָר:** The reference is to remnants of the meat of an offering that were not eaten during the period designated for the offering's consumption. One who eats *notar* is liable to receive *karet*. The Sages issued a decree that *notar* is ritually impure, so that the priests would dispose of it in a timely manner. The Torah commands to burn *notar*, and it is burned outside Jerusalem.

NOTES

To exclude one who acts unawares – פָּרָט לְמִתְעַסֵּק: The difference between unwitting and unawares is that one who acts unwittingly intends to perform a particular action but does not know the action is prohibited. One who acts unawares did not intend to perform the action at all; while engaged in some other activity, he ended up performing that action. The Gemara teaches that one who acts unawares is exempt from liability to bring a sin-offering.

רַבִּי שִׁמְעוֹן אוֹמֵר: שִׁבְעָה שְׁבָטִים שֶׁחָטְאוּ מְבִיאִין שִׁבְעָה פָּרִים, וּבֵית דִּין מְבִיאִין עַל יְדֵיהֶן פָּר, שֶׁנֶּאֱמַר לְמַטֵּה ״קָהָל״ וְנֶאֱמַר לְמַעְלָה ״קָהָל״, מַה ״קָהָל״ הָאָמוּר לְמַעְלָה – בֵּית דִּין עִם הַקָּהָל, אַף ״קָהָל״ הָאָמוּר לְמַטֵּה – בֵּית דִּין עִם הַקָּהָל.

The *baraita* continues: **Rabbi Shimon says: Seven tribes that sinned bring seven bulls, and** the **court brings** one **bull on the basis of their** actions, **as** the term **"congregation" is stated below:** "The congregation shall sacrifice" (Leviticus 4:14), **and** the term **"congregation" is stated above:** "And the matter is hidden from the eyes of the congregation" (Leviticus 4:13). **Just as** with regard to the term **"congregation" that is stated above** the reference is to the **court,** i.e., "the eyes of the congregation," together **with "the congregation," so too,** with regard to the term **"congregation" that is stated below,** with regard to liability to bring an offering the reference is to the **court** together **with the congregation.**

רַבִּי מֵאִיר אוֹמֵר: שִׁבְעָה שְׁבָטִים שֶׁחָטְאוּ – בֵּית דִּין מְבִיאִין עַל יְדֵיהֶם פָּר וְהֵן פְּטוּרִין, נֶאֱמַר ״קָהָל״ לְמַטֵּה וְנֶאֱמַר ״קָהָל״ לְמַעְלָה, מַה ״קָהָל״ הָאָמוּר לְמַעְלָה – בֵּית דִּין וְלֹא צִבּוּר, אַף ״קָהָל״ הָאָמוּר לְמַטֵּה – בֵּית דִּין וְלֹא צִבּוּר;

Rabbi Meir says: In the case of **seven tribes that sinned,** the **court brings a bull on the basis of their** sin **and** the members of the tribe **are exempt,** as the term **"congregation" is stated below:** "The congregation shall sacrifice" (Leviticus 4:14), **and** the term **"congregation" is stated above:** "And the matter is hidden from the eyes of the congregation" (Leviticus 4:13). **Just as** with regard to the term **"congregation" that is stated above** the reference is to the **court and not** to the **public, so too,** with regard to the term **"congregation" that is stated below** the reference is to the **court and not** to the **public.**

רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר מִשְּׁמוֹ: חָטְאוּ שִׁשָּׁה שְׁבָטִים וְהֵם רוּבּוֹ שֶׁל קָהָל, אוֹ שִׁבְעָה אַף עַל פִּי שֶׁאֵינוֹ רוּבּוֹ שֶׁל קָהָל – מְבִיאִין פָּר.

The *baraita* concludes: **Rabbi Shimon ben Elazar says in the name of** Rabbi Meir: If **six tribes sinned**[H] **and** in terms of population **they** constitute **a majority of** the **congregation, or** if **seven** tribes, which constitute a majority of the tribes, sinned, **even though** in terms of population **they do not** constitute **a majority of** the **congregation,** the court **brings a bull.**

אָמַר מָר: ״וְנוֹדְעָה הַחַטָּאת״ – וְלֹא שֶׁיִּוָּדְעוּ הַחוֹטְאִין. מַאן תַּנָּא? אָמַר רַב יְהוּדָה אָמַר רַב, וְאִיתֵימָא רָבָא: דְּלָא כְּרַבִּי אֱלִיעֶזֶר; דְּתַנְיָא,

The Gemara proceeds to analyze the *baraita*. **The Master said: "And the sin** that they sinned **became known,"** indicating that liability is only in a case where the sin became known to the court that issued the erroneous ruling **and not** in a case **where it became known** only **to the sinners. Who is the *tanna*** whose opinion is expressed here? **Rav Yehuda said** that **Rav said, and some say** it was **Rava** who said, **that** this is **not in accordance with** the opinion of **Rabbi Eliezer, as we learned** in a *baraita* that there is a dispute with regard to one who had two pieces before him, one of them prohibited because it is forbidden fat and one of them prohibited because it is left over from an offering after the time allotted for its consumption [*notar*], and he ate one, but does not know whether he ate the forbidden fat or the *notar*.

אָמַר רַבִּי אֱלִיעֶזֶר: מַה נַּפְשָׁךְ? אִם חֵלֶב אָכַל חַיָּיב, נוֹתָר אָכַל חַיָּיב.

Rabbi Eliezer says: Whichever way **you** look at it, he is liable to bring a sin-offering. **If** it was forbidden **fat** that **he ate** he is **liable,** and if it was ***notar***[B] that **he ate** he is **liable.** Therefore, he must bring an offering. Likewise, in the case in the *baraita*, since the court issued an erroneous ruling and it is known that the erroneous ruling was with regard to a matter for which it is liable to bring an offering, according to Rabbi Eliezer it should make no difference that they do not know the precise nature of their error, and they should be liable to bring an offering. Nevertheless, the ruling in the *baraita* is that they are exempt, counter to what one would expect to be the opinion of Rabbi Eliezer.

רַב אַשִׁי אָמַר: אֲפִילּוּ תֵּימָא רַבִּי אֱלִיעֶזֶר, שָׁאנֵי הָכָא, דִּכְתִיב: ״אֲשֶׁר חָטְאוּ עָלֶיהָ״. הָתָם נַמִי הָכְתִיב: ״אֲשֶׁר חָטָא בָּהּ״! הַהוּא מִיבָּעֵי לֵיהּ: פָּרָט לְמִתְעַסֵּק.

Rav Ashi said: Even if **you say** that the *baraita* is in accordance with the opinion of **Rabbi Eliezer,** one can explain the ruling of the *baraita*. **Here,** in the *baraita*, it **is different, as it is written:** "And the sin **that they sinned** became known" (Leviticus 4:14). The verse underscores that the judges must be aware of the specific sin for which they are liable to bring an offering. The Gemara asks: **There too,** with regard to an individual sin-offering, **isn't it written:** "Or if his sin **that he sinned** became known to him" (Leviticus 4:23), leading to the same conclusion? The Gemara answers: In the case of the individual sin-offering, **that** expression **is necessary for** the *tanna* **to exclude** one who **acts unawares.**[N] One is liable to bring a sin-offering for an unwitting transgression only if he performs the action with intent.

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מַאי טַעְמָא דְּרַבִּי יְהוּדָה? קָסָבַר: אַרְבָּעָה קָהָלֵי כְּתִיבִי, ״קָהָל״ ״הַקָּהָל״, ״קָהָל״ ״הַקָּהָל״,

The Gemara asks: **What is the reasoning of Rabbi Yehuda,** who holds that even one tribe that sinned is liable to bring an offering? The Gemara answers that **he holds:** There are **four** mentions of the term **congregation written: Congregation, the congregation, congregation, the congregation.** The term "the congregation" appears in both verses. Since the Torah could have written the term: Congregation, in both instances, Rabbi Yehuda derives two matters from each of the two terms, one from the term "congregation" itself, and another from the fact that it is written with the definitive article "the."

חַד לְחַיֵּיב עַל כָּל קָהָל וְקָהָל, וְחַד לְהוֹרָאָה תְּלוּיָה בְּבֵית דִּין וּמַעֲשֶׂה תָּלוּי בַּקָּהָל, וְחַד לְגָרִירָה, וְחַד לְשַׁבֵּט שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּין.

One serves **to render each and every congregation liable,** as a tribe is also called a congregation; **and one** serves **to** establish that the **ruling is dependent on** the **court and** the **action is dependent on the congregation; and one** serves **to** teach the concept of **drawing,**[N] i.e., a tribe that did not sin is drawn after a tribe that sinned and is liable to bring an offering; **and one** serves **to** teach that **a tribe that performed** a transgression **on** the basis of **the ruling of** its tribal **court** is liable to bring a bull as an unwitting communal sin-offering.

וְרַבִּי שִׁמְעוֹן? תְּלָתָא קָהָלֵי כְּתִיבִי, ״הַקָּהָל״, ״קָהָל״, ״הַקָּהָל״, ״מֵעֵינֵי הַקָּהָל״ אוֹרְחֵיהּ דְּקְרָא הוּא, כִּדְאָמְרִי אֱינָשֵׁי: מֵעֵינֵי דְּפְלָנְיָא,

And what is the reasoning of **Rabbi Shimon,** who holds that seven tribes that sinned bring seven bulls and the court brings one bull? He holds that there are **three** mentions of the term **congregation written.** The first two are: **The congregation, congregation,** which he interprets in the manner that Rabbi Yehuda interpreted. He counts the third and last mention of the term: **The congregation,** as in the verse: **"From the eyes of the congregation." This is** written in **the** typical **manner of the verse, as people say: From the eyes of so-and-so,** and the definitive article "the" does not serve to teach another *halakha*.

חַד לְחַיֵּיב עַל כָּל קָהָל וְקָהָל, וּתְרֵי אַחֲרִינִי, נֶאֱמַר לְמַטָּה ״קָהָל״ וְנֶאֱמַר לְמַעְלָה ״קָהָל״, מַה לְהַלָּן בֵּית דִּין עִם הַקָּהָל, אַף כָּאן בֵּית דִּין עִם הַקָּהָל.

Of those three, **one** serves **to render each and every congregation liable,** as a tribe is also called congregation, **and** the **other two** come so that a verbal analogy can be derived: The term **"congregation" is stated below, and** the term **"congregation" is stated above. Just as** with regard to the term "congregation" that is stated **there,** above, the reference is to the **court,** i.e., "the eyes of the congregation," together **with the congregation, so too,** with regard to the term "congregation" that is stated **here** concerning liability to bring an offering, the reference is to the **court** together **with the congregation.**

וְרַבִּי מֵאִיר? ״קָהָל״ ״הַקָּהָל״ לָא דָּרֵישׁ, הִלְכָךְ תְּרֵי קָהָלֵי כְּתִיבִי, מִיבָּעֵי לֵיהּ לְנֶאֱמַר לְמַטָּה ״קָהָל״ וְנֶאֱמַר לְמַעְלָה ״קָהָל״, מַה לְהַלָּן בֵּית דִּין וְלֹא צִבּוּר, אַף כָּאן בֵּית דִּין וְלֹא צִבּוּר.

And what is the reasoning of **Rabbi Meir,** who holds that the court brings a bull on the basis of its sin and the members of the tribe are exempt? **He does not derive** a *halakha* from the difference between the terms **"congregation"** and **"the congregation."** He does not consider the addition of the definite article to be significant. **Therefore,** he holds that there are **two** mentions of the term **congregation written.** They are **necessary for him to** derive: The term **"congregation" is stated below, and** the term **"congregation" is stated above. Just as** with regard to the term "congregation" that is stated **there,** above, the reference is to the **court and not** to the **public, so too** with regard to the term "congregation" that is stated **here,** below, the reference is to the **court and not** to the **public.**

וְרַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר מַאי טַעְמָא? כְּתִיב: ״וְהָיָה אִם מֵעֵינֵי הָעֵדָה״, אַלְמָא מִיעוּטָא, דִּכְתִיב: ״מֵעֵינֵי״, וּכְתִיב: ״כִּי לְכָל הָעָם בִּשְׁגָגָה״, לְמֵימְרָא דְּרוּבָּא – אִין, מִיעוּטָא – לָא!

And what is the reasoning of Rabbi Shimon ben Elazar, who holds that if six tribes sinned and in terms of population they constitute a majority of the congregation, or if seven tribes sinned even though in terms of population they do not constitute a majority of the congregation, the court brings a bull? **It is written: "Then it shall be, if** it was performed unwittingly, hidden **from the eyes of the congregation"** (Numbers 15:24). **Apparently,** the reference is even to **a minority** of the people, **as "from the eyes" is written,** indicating: Not all of them, but some of them. **And it is written: "As for all the people** it was performed **unwittingly"** (Numbers 15:26), **to say that** based on the principle: The halakhic status of a majority is like that of the entirety, if **the majority** of the congregation sinned, then **yes,** the court is liable to bring an offering. If **the minority** sinned, then **no,** the court is not liable.

NOTES

To teach the concept of drawing – לְגָרִירָה: Even those tribes that did not perform a transgression are liable to bring a sin-offering along with the tribes that performed the transgression (Rashi). In the Jerusalem Talmud, the source of this concept is from the verse: "For all the people it was performed unwittingly" (Numbers 15:26), from which it is derived that even those who did not sin are included in the required atonement.

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הָא כֵּיצַד? עָשׂוּ שִׁשָּׁה וְהֵן רוּבּוֹ שֶׁל קָהָל, אוֹ שִׁבְעָה אַף עַל פִּי שֶׁאֵינָן רוּבּוֹ שֶׁל קָהָל – חַיָּבִין.

How so? How can this apparent contradiction be resolved? The Gemara explains: If **six** tribes **sinned and they** constitute **a majority of** the **congregation, or** if **seven** tribes sinned, **even though** in terms of population **they do not** constitute **a majority of** the **congregation,** the court is **liable** to bring a bull. Although in both cases they are not a majority in every sense, the court is liable, as a reference to the minority is also indicated in the verse.

NOTES

And Rabbi Shimon and Rabbi Meir, etc. – וְרַבִּי שִׁמְעוֹן וְרַבִּי מֵאִיר וכו׳: Based on the manner in which these *tanna'im* interpreted the verses, they derived a verbal analogy based on the term "congregation." Therefore, no extraneous term remains from which they can derive the *halakha* that that the ruling is dependent on the court and the action is dependent on the congregation (Rashi).

וְרַבִּי שִׁמְעוֹן וְרַבִּי מֵאִיר, דְּהוֹרָאָה תְּלוּיָה בְּבֵית דִּין וּמַעֲשֶׂה תָּלוּי בַּקָּהָל מְנָא לְהוּ? אֲמַר אַבַּיֵי, דְּאָמַר קְרָא: ״וְהָיָה אִם מֵעֵינֵי הָעֵדָה נֶעֶשְׂתָה לִשְׁגָגָה״. רָבָא אֲמַר: מִ״לְכָל הָעָם בִּשְׁגָגָה״.

The Gemara asks: **And Rabbi Shimon and Rabbi Meir,**[N] **from where do they** derive the fact **that** the **ruling is dependent on** the **court and** the **action is dependent on the congregation? Abaye said** that they derive it from a verse, **as the verse states** in the passive form: "**Then it shall be, if it was performed unwittingly, hidden from the eyes of the congregation**" (Number 15:24), indicating that the action of the congregation was generated by the ruling of the court. **Rava said:** It is derived **from** that which is stated: "**For all the people** it was performed **unwittingly**" (Numbers 15:26). The term "all the people" indicates that the unwitting action is common to all, the court through its ruling and the people through their action.

וּצְרִיכָא, דְּאִי כָּתַב רַחֲמָנָא ״וְהָיָה אִם מֵעֵינֵי הָעֵדָה נֶעֶשְׂתָה לִשְׁגָגָה״, הָוֶה אָמֵינָא אֲפִילּוּ מִיעוּטָא, לְהָכִי כְּתִיב ״לְכָל הָעָם בִּשְׁגָגָה״; וְאִי כָּתַב ״לְכָל הָעָם בִּשְׁגָגָה״, הָוֶה אָמֵינָא עַד דְּעָבְדִי בֵּית דִּין בַּהֲדֵי רוּבָּא, לְהָכִי כְּתִיב ״וְהָיָה אִם מֵעֵינֵי הָעֵדָה נֶעֶשְׂתָה לִשְׁגָגָה״.

The Gemara notes: **And** both of the verses are **necessary. As, had the Merciful One written** only: "**Then it shall be, if it was performed unwittingly, hidden from the eyes of the congregation**" (Number 15:24), **I would say:** There is liability to bring an offering **even** if only **a minority** of the congregation sinned. **Therefore, it is written: "For all the people it was performed unwittingly." And had** the Merciful One **written** only: "**For all the people** it was performed **unwittingly," I would say:** There is no liability **unless** the **court performs** the transgression **together with the majority** of the congregation, as the verse appears to refer to a single unwitting action. **Therefore, it is written: "Then it shall be, if it was performed unwittingly, hidden from the eyes of the congregation,"** indicating that the unwitting act was performed on the basis of the ruling of the court, and the action of the court is not significant in this regard.

וְהָא כִּי כְּתִיבִי הָנֵי קְרָאֵי – בַּעֲבוֹדָה זָרָה הוּא דִּכְתִיבִי! יָלְפִינַן ״מֵעֵינֵי״ ״מֵעֵינֵי״.

The Gemara challenges: **But when these verses are written, they are written with regard to** an erroneous ruling involving **idol worship,** not concerning erroneous rulings involving other transgressions. The Gemara explains: **We derive** it by means of a verbal analogy between "**from the eyes of** the congregation" written with regard to other transgressions, and "**from the eyes of** the congregation" written concerning idol worship.

״הוֹרוּ בֵּית דִּין שֶׁל אֶחָד״ וכו׳. אִיבַּעְיָא לְהוּ: שֵׁבֶט אֶחָד לְרַבִּי יְהוּדָה בְּהוֹרָאַת בֵּית דִּין הַגָּדוֹל, מִי מַיְיתוּ שְׁאָר שְׁבָטִים אוֹ לָא? מִי אָמְרִינַן: שִׁבְעָה שְׁבָטִים הוּא דְּמַיְיתוּ שְׁאָר שְׁבָטִים בַּהֲדַיְיהוּ, מִשּׁוּם דְּאִיכָּא רוּבָּא, אֲבָל חַד שֵׁבֶט דְּלֵיכָּא רוּבָּא לָא, אוֹ דִלְמָא לֹא שָׁנָא?

§ The mishna teaches: If the **court of one** of the tribes **issued a ruling,** and the majority of that tribe performed a transgression on the basis of its ruling, that tribe is liable to bring an offering and the rest of all the tribes are exempt; this is the statement of Rabbi Yehuda. **A dilemma was raised before** the Sages: **According to Rabbi Yehuda,** in the case of **one tribe** that performed a transgression **on** the basis of **the ruling of the High Court, are** the **other tribes** liable to **bring** an offering **or not?** The Gemara elaborates: **Do we say** that **it is** specifically in a case where **seven tribes** sinned **that other tribes** each **bring** an offering **together with them because there is a majority** of the tribes that sinned, **but** in a case where only **one tribe** sinned, **where there is no majority** of the tribes that sinned, they do **not? Or perhaps** it **is no different,** and the other tribes are drawn after even one tribe.

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תָּא שְׁמַע: מַה הֵן מְבִיאִין? פָּר אֶחָד, רַבִּי שִׁמְעוֹן אוֹמֵר: שְׁנֵי פָּרִים; בְּמַאי עָסְקִינַן? אִילֵימָא שֶׁחָטְאוּ שִׁבְעָה, רַבִּי שִׁמְעוֹן תְּמַנְיָא בָּעֵי! אֶלָּא דְּחָטָא שֵׁבֶט אֶחָד. בְּמַאי? אִי בְּהוֹרָאַת בֵּית דִּינוֹ, רַבִּי שִׁמְעוֹן לֵית לֵיהּ! אֶלָּא לָאו בְּהוֹרָאַת בֵּית דִּין הַגָּדוֹל.

The Gemara suggests: **Come** and **hear** resolution of this dilemma from a *baraita*, which teaches: **What do they bring?** They bring **one bull; Rabbi Shimon says: Two bulls.** The Gemara elaborates: **What are we dealing with** in this *baraita*? **If we say** the reference is to a case **where seven** tribes **sinned, Rabbi Shimon requires eight** bulls, one for each tribe that sinned and one for the court. **Rather,** the reference must be to a case **where one tribe sinned.** The Gemara clarifies: **In what** circumstances did the tribe sin? **If** the tribe sinned **on** the basis of **the ruling of its** tribal **court, Rabbi Shimon does not accept** the *halakha* that an erroneous ruling of the tribal court renders them liable to bring an offering. **Rather, is it not** so that they sinned **on** the basis of **a ruling of the High Court?**

וְתַנָּא קָמָא מַנִּי? אִי נֵימָא רַבִּי מֵאִיר, הָא רוּבָּא בָּעֵי! אֶלָּא לָאו רַבִּי יְהוּדָה, וּכְגוֹן שֶׁחָטָא שֵׁבֶט אֶחָד.

The Gemara asks: **And who is the first *tanna*,** who says that they must bring one bull? **If we say** it is **Rabbi Meir,** that is difficult: **Doesn't he require** that **the majority** perform a transgression in order for a bull to be brought? A transgression performed by one tribe does not suffice. **Rather, is** the first *tanna* **not Rabbi Yehuda, and** the reference is to a case **where one tribe sinned** and he deems it liable to bring one bull, and the remaining tribes are not liable to bring an offering.

אָמְרִי: הָכָא בְּמַאי עָסְקִינַן – בְּגוֹן שֶׁחָטְאוּ שִׁשָּׁה שְׁבָטִים וְהֵן רוּבָּן שֶׁל קָהָל, וְרַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר הִיא; דְּתַנְיָא, רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר מִשְּׁמוֹ: חָטְאוּ שִׁשָּׁה וְהֵן רוּבּוֹ שֶׁל קָהָל, אוֹ שִׁבְעָה אַף עַל פִּי שֶׁאֵינָן רוּבּוֹ שֶׁל קָהָל – מְבִיאִין פָּר.

The Gemara rejects this proof and **says** there is an alternative explanation of the *baraita*. **What are we dealing with here?** With a case **where six tribes sinned**[N] **and** in terms of population **they** constitute **a majority of** the **congregation, and** the first *tanna* in the *baraita* **is Rabbi Shimon ben Elazar, as it is taught** in a *baraita* that **Rabbi Shimon ben Elazar says in the name of** Rabbi Meir: If **six tribes sinned and** in terms of population **they** constitute **a majority of** the **congregation, or** if **seven** tribes, which constitute a majority of the tribes, sinned, **even though** in terms of population **they do not** constitute **a majority of** the **congregation,** the court **brings a bull.**

תָּא שְׁמַע, רַבִּי יְהוּדָה אוֹמֵר: שֵׁבֶט שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּינוֹ – אוֹתוֹ הַשֵּׁבֶט חַיָּיב וּשְׁאָר כָּל הַשְּׁבָטִים פְּטוּרִין, וּבְהוֹרָאַת בֵּית דִּין הַגָּדוֹל – אֲפִילּוּ שְׁאָר שְׁבָטִים חַיָּיבִים, שְׁמַע מִינָּהּ.

The Gemara suggests: **Come** and **hear** a resolution to the dilemma from a *baraita*, which teaches: **Rabbi Yehuda says:** In the case of **a tribe that performed** a transgression **on** the basis of **a ruling of its** tribal **court, that tribe** is **liable and all the rest of the tribes** are **exempt. But** if it was **on** the basis of **the ruling of the High Court, even the rest of** the **tribes** are **liable.** The Gemara concludes: **Learn from it** that Rabbi Yehuda holds that the other tribes are liable in a case where one tribe performed a transgression on the basis of the ruling of the High Court.

אָמַר רַב אַשִׁי: מַתְנִיתִין נַמִּי דַּיְקָא, דְּקָתָנֵי: וְעָשָׂה אוֹתוֹ הַשֵּׁבֶט עַל פִּיהֶם – אוֹתוֹ הַשֵּׁבֶט חַיָּיב וּשְׁאָר כָּל הַשְּׁבָטִים פְּטוּרִין, לָמָּה לִי לְמִיתְנָא ״וּשְׁאָר שְׁבָטִים פְּטוּרִים״? הָא תְּנָא ״אוֹתוֹ הַשֵּׁבֶט חַיָּיב״, וְכִיוָן דְּתָנָא ״אוֹתוֹ הַשֵּׁבֶט חַיָּיב״, מִמֵּילָא יָדְעֵנָא שְׁאָר שְׁבָטִים פְּטוּרִין! אֶלָּא הָא קַמַשְׁמַע לָן, בְּהוֹרָאַת בֵּית דִּינוֹ הוּא דִּשְׁאָר שְׁבָטִים פְּטוּרִים, אֲבָל בְּהוֹרָאַת בֵּית דִּין הַגָּדוֹל – אֲפִילּוּ שְׁאָר שְׁבָטִים חַיָּיבִין, שְׁמַע מִינָּהּ.

Rav Ashi said: The language of **the mishna is also precise** in support of that conclusion, **as** the *tanna* **teaches:** If the court of one of the tribes issued an erroneous ruling **and** the majority of **that tribe performed** a transgression **on the basis of its** ruling, **that tribe** is **liable** to bring an offering **and all the rest of the tribes** are **exempt.** He explains: **Why do I** need the *tanna* **to teach: And the rest of the tribes** are **exempt? Didn't he** already **teach: That tribe** is **liable? And since he teaches: That tribe** is **liable, we know automatically** that the **rest of** the **tribes** are **exempt. Rather, this *tanna* is teaching us** that **it is** specifically in a case where the tribe performed an unwitting transgression **on** the basis of **the ruling of its** tribal **court that the rest of** the **tribes are exempt; but** in a case where the tribe performed an unwitting transgression **on** the basis of **the ruling of the High Court, even the rest of** the **tribes** are **liable.** The Gemara concludes: **Learn from** the mishna that this is Rabbi Yehuda's opinion.

אִיבַּעְיָא לְהוּ: שֵׁבֶט אֶחָד שֶׁעָשָׂה בְּהוֹרָאַת בֵּית דִּין הַגָּדוֹל, לְרַבִּי שִׁמְעוֹן מִי מַיְיתֵי אוֹ לָא?

A dilemma was raised before the Sages: In a case **where one tribe performed** a transgression **on** the basis of **the ruling of the High Court, according to Rabbi Shimon are they** liable to **bring** an offering **or not?**

NOTES

A case where six tribes sinned – בְּגוֹן שֶׁחָטְאוּ שִׁשָּׁה שְׁבָטִים: In this manner, it is possible to explain the opinion of the first *tanna* in accordance with the opinion of Rabbi Shimon ben Elazar in the name of Rabbi Meir. Therefore, only one bull is brought, as the offering of the court. Rabbi Shimon's opinion is difficult: Why, in his opinion, are two bulls brought? There should have been seven bulls brought as offerings, six for the tribes that sinned and one for the court. Rashi notes this difficulty and explains that according to Rabbi Shimon, since the transgressors are not an absolute majority, the legal status of the six tribes is as though they are only one tribe.

Other commentaries explain that the reference is to a case where one tribe sinned, and that tribe constituted a majority of the population. That was the situation after the exile of the Ten Tribes, as the tribe of Judah constituted a majority of the Jewish residents of Eretz Yisrael. Therefore, Rabbi Shimon holds that there is an obligation to bring two bulls (*Meromei Sadeh*). This explanation is contradicted by the Jerusalem Talmud, where the opinion of Rabbi Shimon ben Elazar is restricted to a case where half the tribes sinned, while there is no liability if fewer than six tribes sinned. The Rambam holds that even if one tribe sinned and that tribe constitutes a majority of the population there is liability to bring an offering.

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תָּא שְׁמַע: מַה הֵן מְבִיאִין? פָּר אֶחָד, רַבִּי שִׁמְעוֹן אוֹמֵר: שְׁנֵי פָּרִים; בְּמַאי עָסְקִינַן? אִילֵימָא שֶׁחָטְאוּ שִׁבְעָה, שְׁנֵי פָּרִים – שְׁמֹנָה פָּרִים בָּעֵי! אֶלָּא דְּחָטָא שֵׁבֶט אֶחָד, וּבְמַאי? אִילֵימָא בְּהוֹרָאַת בֵּית דִּינוֹ, רַבִּי שִׁמְעוֹן לֵית לֵיהּ! אֶלָּא בְּהוֹרָאַת בֵּית דִּין הַגָּדוֹל.

The Gemara suggests: **Come** and **hear** a resolution to this dilemma from the *baraita* cited earlier: **What do they bring?** They bring **one bull; Rabbi Shimon says: Two bulls.** The Gemara elaborates: **What are we dealing with** in this *baraita*? **If we say** that the reference is to a case **where seven** tribes **sinned,** that is difficult. In that case, are **two bulls** brought? **Eight bulls are required** according to Rabbi Shimon. **Rather,** the reference is to a case **where one tribe sinned.** The Gemara clarifies: **And in what** circumstances did the tribe sin? **If we say** that the tribe sinned **on** the basis of **the ruling of its** tribal **court, Rabbi Shimon does not accept** the *halakha* that an erroneous ruling of the tribal court renders them liable to bring an offering. **Rather,** the circumstances are that they sinned **on** the basis of **a ruling of the High Court.** Apparently, even Rabbi Shimon agrees that in this case one tribe brings an offering.

וְתִסְבְּרָא, תַּנָּא קַמָּא מַנִּי? אִי רַבִּי מֵאִיר – הָא רוּבָּא בָּעֵי! אִי רַבִּי יְהוּדָה – שְׁאָר שְׁבָטִים נַמִּי מֵיתוּ! אֶלָּא הָא מַנִּי? רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר הִיא, וְכִדְתַנְיָא.

The Gemara rejects this proof: **And** how can **you understand** that this is the reference? **Who,** then, **is the first *tanna*** who says that they must bring one bull? **If** it is **Rabbi Meir,** that is difficult. **Doesn't he require** that **the majority** and not just one tribe perform a transgression in order for there to be liability? **If** it is **Rabbi Yehuda,** that is also difficult, as in his opinion **the rest of** the **tribes** are **also** liable to **bring** an offering. **Rather, who is** the first *tanna* of **this** *baraita*? The first *tanna* **is Rabbi Shimon ben Elazar,** and the reference is to a case where six tribes sinned and in terms of population they constitute a majority of the congregation, **and** this *baraita* is **as it is taught** in the *baraita* cited earlier. In that case, Rabbi Shimon holds that two bulls are brought, one by the congregation and one by the court. No proof may be cited from here with regard to the opinion of Rabbi Shimon in the case of one tribe that performed a transgression on the basis of a ruling of the High Court.

תָּא שְׁמַע, וַחֲכָמִים אוֹמְרִים: לְעוֹלָם אֵינוֹ חַיָּיב אֶלָּא עַל הוֹרָאַת בֵּית דִּין הַגָּדוֹל. מַאן חֲכָמִים? אִילֵימָא רַבִּי מֵאִיר, רוּבָּא בָּעֵי! אֶלָּא לָאו רַבִּי שִׁמְעוֹן הִיא, שְׁמַע מִינָּהּ.

The Gemara suggests: **Come** and **hear** a resolution to the dilemma from a *baraita,* which teaches: **And the Rabbis say: One** tribe **is never liable, other than for** violating a transgression on the basis of **the ruling of the High Court.** The Gemara clarifies: **Who are the Rabbis** cited in this *baraita*? **If we say** that the Rabbis are **Rabbi Meir, he requires** that **a majority** perform a transgression in order to be liable. **Rather, is it not** that the Rabbis are **Rabbi Shimon?** The Gemara affirms: **Conclude from it** that Rabbi Shimon holds that one tribe that performed a transgression on the basis of the ruling of the High Court is liable to bring a bull.

וְרַבִּי יְהוּדָה וְרַבִּי שִׁמְעוֹן, שֵׁבֶט אֶחָד דְּאִקְּרִי קָהָל מְנָא לְהוּ? אָמְרִי, דִּכְתִיב: ״וַיַּעֲמֹד יְהוֹשָׁפָט בִּקְהַל יְהוּדָה וִירוּשָׁלַיִם (נֹכַח חֲצַר בֵּית ה׳) [בְּבֵית ה׳ לִפְנֵי הֶחָצֵר] הַחֲדָשָׁה״. מַאי ״חֲדָשָׁה״? אָמַר רַבִּי יוֹחָנָן, שֶׁחִידְּשׁוּ דְּבָרִים וְאָמְרוּ: טְבוּל יוֹם אַל יִכָּנֵס בְּמַחֲנֵה לְוִיָּה.

§ The Gemara elaborates on a matter raised earlier. **And Rabbi Yehuda and Rabbi Shimon,** who hold one tribe that performs a transgression liable, **from where do they** derive that **one tribe is characterized as a congregation?**[H] The Sages **say** that it is derived from a verse, **as it is written: "And Jehoshaphat stood in the congregation of Judah and Jerusalem before the new courtyard in the house of the Lord"** (II Chronicles 20:5). The Gemara asks: **What** is the meaning of **"new"** in this verse? **Rabbi Yoḥanan says that** on that occasion **they introduced new matters and said: One** who was ritually impure **who immersed that day** and is waiting for nightfall for the purification process to be completed **may not enter**[HN] even **the Levite camp.** From the fact that the verse employs the term "congregation" in reference to Judah and Jerusalem, it can be inferred that one tribe is characterized as a congregation.

מַתְקִיף לָהּ רַב אַחָא בַּר יַעֲקֹב: מִמַּאי? דִּלְמָא שָׁאנֵי יְרוּשָׁלַיִם, דַּהֲוָה נַמִּי בִּבְנְיָמִין! אֶלָּא אָמַר רַב אַחָא בַּר יַעֲקֹב, דִּכְתִיב: ״וַיֹּאמֶר אֵלַי הִנְנִי מַפְרְךָ וְהִרְבִּיתִךָ וּנְתַתִּיךָ לִקְהַל עַמִּים״ וגו׳, מַאן אִתְיְלִיד לֵיהּ הַהִיא שַׁעֲתָא? בִּבְנְיָמִין, שְׁמַע מִינָּהּ הָכִי קָאָמַר רַחֲמָנָא: מִתְיְלִיד לָךְ הָשְׁתָּא קָהָל אַחֲרִינָא.

Rav Aḥa bar Ya'akov objects to this: From where do you draw this conclusion? **Perhaps Jerusalem is different, as** Jerusalem **was also** in the tribal land of **Benjamin.** Accordingly, it was shared by two tribes. **Rather, Rav Aḥa bar Ya'akov said** that proof that a tribe is characterized as a congregation is derived from another verse, **as it is written** that Jacob recounted what God said to him when he returned from Paddan: **"And said to me: Behold, I will make you fruitful and multiply you, and I will make of you a congregation of peoples"** (Genesis 48:4). **Who was born to him** from **that time** on? Only **Benjamin. Conclude from it** that **this** is what **the Merciful One is saying** to Jacob: **Another congregation shall be now born to you.** Apparently, one tribe is characterized as a congregation.

HALAKHA

One tribe is characterized as a congregation – שֵׁבֶט אֶחָד אִיקְּרֵי קָהָל: With regard to the ruling of the court, the status of each tribe is that of a congregation (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1).

One who immersed that day may not enter – טְבוּל יוֹם אַל יִכָּנֵס: One who immersed that day is banished from the women's courtyard, but one who has not yet brought an atonement offering on the day following his immersion to complete the purification process is not. The prohibition for a person who immersed that same day to enter the Levite camp is by rabbinic law, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 3:6).

NOTES

One who immersed that day may not enter – טְבוּל יוֹם לֹא יִכָּנֵס: By Torah law, it is permitted for one who immersed on the day he can be rendered pure to enter the Levite camp, which in the Temple includes the women's courtyard, and it is prohibited for him to enter only the camp of the Divine Presence, which in the Temple includes the Entrance Hall and the Sanctuary (Meiri). Some cite *Tosafot* (*Pesaḥim* 92a), saying that the decree was not issued for the entire Levite camp, as the Sages did not prohibit one who immersed that day to enter the Temple Mount, which is also included in the Levite camp. Rather, they prohibited him from entering only the Temple courtyard.

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אֲמַר לֵיהּ רַב שַׁבָּא לְרַב כָּהֲנָא, דִּלְמָא הָכִי קָאָמַר לֵיהּ רַחֲמָנָא: לְכִי מִתְיְלִיד לָךְ בִּנְיָמִין, הוּא דְּהָווּ שְׁנֵים עָשָׂר שְׁבָטִים דְּמִתְקְרֵיית קָהָל! אֲמַר לֵיהּ: אֶלָּא שְׁנֵים עָשָׂר שְׁבָטִים אִיקְּרוּ קָהָל, אַחַד עָשָׂר שְׁבָטִים לָא אִיקְּרוּ קָהָל?

Rav Shabba said to Rav Kahana: Perhaps this is what **the Merciful One is saying** to Jacob: **It is when Benjamin is born to you that you will have twelve tribes, who are** together **characterized as a congregation.** Rav Kahana **said to him: But** is that to say that **twelve tribes are characterized as a congregation,** and **eleven tribes are not characterized as a congregation?** It has already been established that even two tribes are characterized as a congregation. Rather, it is apparent from this verse that even one tribe is characterized as a congregation.

תַּנְיָא: רַבִּי שִׁמְעוֹן אוֹמֵר, מַה תַּלְמוּד לוֹמַר: ״וּפַר שֵׁנִי בֶּן בָּקָר תִּקַּח לְחַטָּאת״? אִם לְלַמֵּד שֶׁהֵם שְׁנַיִם, וַהֲלֹא כְּבָר נֶאֱמַר: ״וְעָשֵׂה אֶת הָאֶחָד חַטָּאת וְאֶת הָאֶחָד עֹלָה לַה׳״! [אֶלָּא] יָכוֹל [תְּהֵא] נֶאֱכֶלֶת חַטָּאת לַלְוִיִּם? תַּלְמוּד לוֹמַר: ״וּפַר שֵׁנִי״, שֵׁנִי לָעוֹלָה, מָה עוֹלָה לֹא נֶאֱכֶלֶת,

§ **It is taught** in a *baraita* that **Rabbi Shimon says: What** is the meaning when **the verse states: "And a second young bull shall you take as a sin-offering"** (Numbers 8:8), in the context of the purification of the Levites in the aftermath of the sin of the Golden Calf? **If** this is written **to teach that they are two,** i.e., that there is an additional bull sacrificed, **isn't it already stated: "And sacrifice the one as a sin-offering, and the other as a burnt-offering, unto the Lord"** (Numbers 8:12)? **Rather,** one **might** have thought that the **sin-offering** that is sacrificed **for the Levites shall be eaten** like other sin-offerings. To counter this, **the verse states: "And a second bull,"** to underscore that it is **second to the burnt-offering** and similar to it: **Just as a burnt-offering is not eaten,**

Perek **I**
Daf **6** Amud **a**

אַף חַטָּאת לֹא נֶאֱכֶלֶת.

so too, this **sin-offering is not eaten.**

כַּיּוֹצֵא בּוֹ, אָמַר רַבִּי יוֹסֵי: ״הַבָּאִים מֵהַשְּׁבִי... הַגּוֹלָה הִקְרִיבוּ [עֹלוֹת] לֵאלֹהֵי יִשְׂרָאֵל פָּרִים שְׁנֵים עָשָׂר וגו׳ הַכֹּל עוֹלָה״. הַכֹּל עוֹלָה סָלְקָא דַּעְתָּךְ? אֶפְשָׁר שֶׁחַטָּאת עוֹלָה! אֶלָּא הַכֹּל בְּעוֹלָה, מָה עוֹלָה לֹא נֶאֱכֶלֶת, אַף חַטָּאת לֹא נֶאֱכֶלֶת; דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: עַל עֲבוֹדָה זָרָה הֻבִּיאוּם. וְאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: עַל עֲבוֹדָה זָרָה שֶׁעָשׂוּ בִּימֵי צִדְקִיָּהוּ.

Similarly, Rabbi Yosei said that it is stated with regard to those who returned to Zion from Babylonia in the days of Ezra: "The children of the captivity **who came out of exile sacrificed burnt-offerings to the God of Israel, twelve bulls** for all Israel, ninety-six rams, seventy-seven lambs, twelve goats as a sin-offering; **all this was a burnt-offering** unto the Lord" (Ezra 8:35). The question arises: Does it **enter your mind** to say: **"All this was a burnt-offering"?** Is it **possible that a sin-offering** is **a burnt-offering? Rather,** say: **All this** was **like a burnt-offering. Just as a burnt-offering is not eaten, so too,** this **sin-offering is not eaten, as it is taught** in a *baraita* that **Rabbi Yehuda says:** It was as atonement **for idol worship** that **they brought them; and Rav Yehuda says** that **Shmuel says:** It was atonement **for the idol worship that they practiced during the days of Zedekiah.**

בְּשִׁלְמָא לְרַבִּי יְהוּדָה, מַשְׁכַּחַת לָהּ לְהָנֵי שְׁנֵים עָשָׂר חַטָּאוֹת – כְּגוֹן דְּחָטְאוּ שְׁנֵים עָשָׂר שְׁבָטִים, דְּמַיְיתוּ שְׁנֵים עָשָׂר שְׂעִירִים, אִי נַמִי דְּחָטְאוּ שִׁבְעָה שְׁבָטִים וּשְׁאָרָא אִינָּךְ בִּגְרִירָה. וּלְרַבִּי שִׁמְעוֹן נַמִי, מַשְׁכַּחַת לָהּ – כְּגוֹן דְּחָטְאוּ אַחַד עָשָׂר שְׁבָטִים, דְּמַיְיתוּ אַחַד עָשָׂר שְׂעִירִים וְאִידָךְ דְּבֵית דִּין. אֶלָּא לְרַבִּי מֵאִיר דְּאָמַר: בֵּית דִּין מְבִיאִין וְלֹא צִבּוּר, שְׁנֵים עָשָׂר הֵיכִי מַשְׁכַּחַת לֵיהּ? כְּגוֹן דְּחָטְאוּ וַהֲדַר חָטְאוּ וַהֲדַר חָטְאוּ, עַד תְּרֵיסַר זִימְנֵי.

The Gemara clarifies: **Granted, according to Rabbi Yehuda,** whose opinion is cited in the mishna, **you find** liability for **these twelve sin-offerings** in a case **where twelve tribes sinned** by engaging in idol worship, **as** in that case **they bring twelve goats. Alternatively,** you find liability in a case **where seven tribes sinned, and the rest of these** tribes that did not sin are **drawn** after the majority of tribes that sinned and each brings a sin-offering. **And according to Rabbi Shimon as well, you find** liability for these twelve sin-offerings in a case **where eleven tribes sinned, as** in that case **they bring eleven goats and the other** goat is brought **by the court. But according to Rabbi Meir, who says** that **the court brings** an offering **and** the **public** does **not,** and only one bull is sacrificed, **how do you find this** a case of liability to bring **twelve offerings?** The Gemara answers: It is in a case **where they sinned, and then sinned** again, **and then sinned** again, **until** they sinned **twelve times.**

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וְהָא מָיְתֵי לְהוּ הָנְהוּ דְּחָטְאוּ!

The Gemara asks: **But didn't those who sinned** by engaging in idol worship during the time of Zedekiah and the Babylonian exile already **die?** How can their descendants bring a sin-offering on their behalf? The status of those animals is that of a sin-offering whose owner has died,[H] which is disqualified from sacrifice on the altar.

אָמַר רַב פַּפָּא: כִּי גְּמִירִי חַטָּאת שֶׁמֵּתוּ בְּעָלֶיהָ בְּמִיתָה – הָנֵי מִילֵּי בְּיָחִיד, אֲבָל לֹא בְּצִבּוּר. לְפִי שֶׁאֵין מִיתָה בְּצִבּוּר. מְנָא לֵיהּ לְרַב פַּפָּא הָא? אִילֵּימָא מִדִּכְתִיב: "תַּחַת אֲבוֹתֶיךָ יִהְיוּ בָנֶיךָ", אִי הָכִי, אֲפִילּוּ בְּיָחִיד נַמִי!

Rav Pappa said: When it **is learned** as a tradition that the fate of **a sin-offering whose owners have died** is to allow the animal **to die** without its being sacrificed, **this matter** applies specifically **with regard to an individual** who died **but not with regard to a congregation, because there is no death with regard to a congregation;** the entity of the congregation remains even when specific members die. The Gemara asks: **From where does Rav Pappa derive this? If we say** that he derives it **from** that **which is written: "Instead of your fathers shall be your sons"** (Psalms 45:17), indicating that as long as the sons are alive it is as though the fathers are alive, then **if so,** the same should be true **even with regard to an individual as well,** and sons should be able to sacrifice the sin-offerings of their dead fathers.

אֶלָּא דּוּקְיָא דְּרַב פַּפָּא מִשָּׂעִיר דְּרֹאשׁ חֹדֶשׁ, דְּאָמַר רַחֲמָנָא: מְיֵיתֵי מִתְּרוּמַת הַלִּשְׁכָּה, וְהָא מָיְתֵי לְהוּ מִישְׂרָאֵל, וְהָנָךְ דְּפַיְישֵׁי הֵיכִי מַיְתוּ? אֶלָּא שְׁמַע מִינָּהּ: חַטָּאת שֶׁמֵּתוּ בְּעָלֶיהָ בְּצִבּוּר קְרֵבָה.

Rather, the inference of Rav Pappa is from the goat of the New Moon,[NB] **as the Merciful One states: Bring** those sin-offerings **from the collection of the** Temple treasury **chamber,** where the half-shekels contributed by the Jewish people every Adar are stored. **But haven't some of the Jewish people died** since Adar? If so, **how can those who remain bring** a sin-offering if some of the owners of the offering have died? **Rather, learn from it** that **a sin-offering whose owners have died may be sacrificed in** the case of **a communal** offering.

מִי דָּמֵי? שָׂעִיר דְּרֹאשׁ חֹדֶשׁ דִּלְמָא לָא מָיְתוּ מִצִּבּוּר, אֲבָל הָכָא וַדַּאי מָיְתוּ! אֶלָּא טַעְמָא דְּרַב פַּפָּא מֵהָכָא, דִּכְתִיב: "כַּפֵּר לְעַמְּךָ יִשְׂרָאֵל אֲשֶׁר פָּדִיתָ ה'", רְאוּיָה כַּפָּרָה זוֹ שֶׁתְּכַפֵּר עַל יוֹצְאֵי מִצְרַיִם, מִדִּכְתִיב "אֲשֶׁר פָּדִיתָ".

The Gemara asks: **Are** these matters **comparable?** In the case of **the goat of the New Moon, perhaps no** one **from** the **public died**[N] in the interim. **But here,** in the case of those who returned to Zion from Babylonia, those who engaged in idol worship in the days of Zedekiah **certainly died,** as many years have passed since then. **Rather, the reason** for the opinion **of Rav Pappa is from here, as it is written** in the confession recited by the Sages during the rite of the heifer whose neck is broken:[B] **"Atone for Your people Israel whom You have redeemed, Lord"** (Deuteronomy 21:8). **This atonement is fit to atone** even **for those who emerged from Egypt, from** the fact **that it is written: "Whom You have redeemed."** The reference is to those whom God redeemed from Egypt, even though they died long ago.

מִי דָּמֵי? הָתָם כּוּלְּהוּ אִיתִינְהוּ, מִגּוֹ דְּמִכַּפְּרָה אַחַיִּים מִכַּפָּרָה נַמִי אַמֵּתִים, אֶלָּא הָכָא מִי הָווּ חַיִּים? אִין הָכִי נַמִי, דִּכְתִיב: "וְרַבִּים מֵהַכֹּהֲנִים וְהַלְוִיִּם וְרָאשֵׁי הָאָבוֹת" וגו'.

The Gemara asks: **Are** these matters **comparable? There,** in the case of the heifer whose neck is broken, **all** the residents of the city on whose behalf the rite was performed **are present** when they perform the rite, and **since it atones for the living, it also atones for the dead. But here,** in the case of those returning from Zion, **are** any of the people who worshipped idols during the time of Zedekiah **alive** when the offering is sacrificed? The Gemara answers: **Yes, it is indeed so** that there were people from that period still alive, **as it is written: "Many of the priests and Levites and heads of patrilineal houses,** the elders that had seen the first house standing on its foundation, wept with a loud voice when this house was before their eyes. And many shouted aloud for joy" (Ezra 3:12).

וְדִלְמָא מוּעָטִין הָווּ וְלָא רַבִּים הָווּ! הָכְתִיב: (וְלֹא הִכִּירוּ בְּקוֹל) "[וְאֵין הָעָם מַכִּירִים קוֹל] תְּרוּעַת הַשִּׂמְחָה לְקוֹל בְּכִי הָעָם [וגו']...וְהַקּוֹל נִשְׁמַע עַד לְמֵרָחוֹק".

The Gemara challenges: **But perhaps those** elders **were few** in number, **and were not many,** and the majority of those present consisted of people who were not alive during the days of Zedekiah. The Gemara answers: **Isn't it written: "And the people could not discern the noise of the shout of joy from the noise of the weeping of the people;** as the people shouted with a loud shout, **and the noise was heard far off"** (Ezra 3:13)? This indicates that the weeping elders who survived from the era of Zedekiah outnumbered the younger people.

HALAKHA

A sin-offering whose owner has died – חַטָּאת שֶׁמֵּתוּ בְּעָלֶיהָ: The *halakha* of sin-offerings that are left to die (see *Bekhorot* 16a) applies only with regard to individual sin-offerings. It does not apply with regard to communal sin-offerings, because even if several members of the public die the collective Jewish people remains (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 4:1).

NOTES

From the goat of the New Moon – מִשָּׂעִיר דְּרֹאשׁ חֹדֶשׁ: This is a communal sin-offering that is one of the additional offerings sacrificed on the New Moon.

Perhaps no one from the public died – דִּלְמָא לָא מָיְתוּ מִצִּבּוּר: Since it is unclear whether someone died, they sacrifice the offering due to the uncertainty (Rashi). Many commentaries question this, as if there is uncertainty, on the contrary, they should have refrained from bringing the offering. The Rosh explains that even if it is clear that some of the members of the congregation died, this offering is purchased with only a small amount of the funds from the collection of the Temple treasury, and it is reasonable to assume that the money donated by those who died was not the money that was used to purchase the offering. Others discuss the applicability of the concept of nullification in a majority with regard to the congregation and the money (*Hora Gaver*).

BACKGROUND

Goat of the New Moon – שְׂעִיר דְּרֹאשׁ חֹדֶשׁ: The Torah (Numbers 28:15) commands that a goat be brought on the New Moon as a communal sin-offering. It was sacrificed in accordance with the *halakhot* governing the sin-offerings of an individual, and its purpose was to atone for the defiling of the Temple or its sacrificial foods.

Heifer whose neck is broken – עֶגְלָה עֲרוּפָה: When a murder victim's corpse is found outside a town and it is not known who killed him, the following is done (Deuteronomy 21:1–9): First, judges who are members of the Sanhedrin come to measure the distance between the corpse and the nearest towns, in order to determine which town must perform the rite of the heifer whose neck is broken. This measurement is performed even if it is clear which town is closest. Afterward, the elders of that town bring a heifer that has never been used for any labor, and they break its neck in a riverbed that has not been tilled. The elders wash their hands and make a statement absolving themselves of guilt. If the murderer is discovered before the heifer is killed, the rite is not performed.

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וְהָא מְזִידִין הָווּ! הוֹרָאַת שָׁעָה הָיְתָה. הָכִי נָמֵי מִסְתַּבְּרָא, דְּאִי לָא תֵּימָא הָכִי, ״אֵילִים תִּשְׁעִים וְשִׁשָּׁה כְּבָשִׂים שִׁבְעִים וְשִׁבְעָה״ כְּנֶגֶד מִי? אֶלָּא הוֹרָאַת שָׁעָה הָיְתָה, הָכָא נָמֵי הוֹרָאַת שָׁעָה הָיְתָה.

The Gemara asks: **But didn't** those who engaged in idol worship in the era of Zedekiah do so **intentionally?** Sin-offerings are brought for unwitting, not intentional sins. The Gemara answers: **It was a provisional edict**[N] issued in exigent circumstances to enable them to sacrifice a sin-offering to atone for an intentional sin. The Gemara comments: **So too it is reasonable, as if you do not say so,** then with regard to these **"ninety-six rams, seventy-seven lambs,"** to **what** do they **correspond? Rather,** the sacrifice of those rams and lambs **was a provisional edict. Here too,** concerning sin-offerings for intentional transgressions, **it was a provisional edict.**

תָּנוּ רַבָּנַן: מֵת אֶחָד מִן הַצִּבּוּר – חַיָּבִין, אֶחָד מִבֵּית דִּין – פְּטוּרִין. מַאן תַּנָּא? אֲמַר רַב חִסְדָּא אֲמַר רַבִּי זֵירָא אֲמַר רַב יִרְמְיָה אֲמַר רַב: רַבִּי מֵאִיר הִיא, דְּאָמַר: בֵּית דִּין מְבִיאִים וְלֹא צִבּוּר, הִלְכָךְ מֵת אֶחָד מִן הַצִּבּוּר – חַיָּבִין, דְּהָא קָאֵים כּוּלֵּיהּ בֵּית דִּין. מֵת אֶחָד מִבֵּית דִּין – פְּטוּרִין, דְּהָווּ לָהּ חַטָּאת שֶׁמֵּת אֶחָד מִן הַשּׁוּתָּפִין, וּמְשׁוּם הָכִי פְּטוּרִין.

§ On a related note, **the Sages taught:** If the court unwittingly issued a ruling and the congregation performed a transgression on the basis of that ruling, and before the offering was brought **one** member **of the public died,** they are **liable** to bring an offering. If **one** member **of the court** died, they are **exempt.** The Gemara asks: **Who is the *tanna*** who stated this *halakha*? **Rav Ḥisda said** that **Rabbi Zeira said** that **Rav Yirmeya said** that **Rav said: It is Rabbi Meir, who says:** The **court, and not the public, brings** the offering. **Therefore,** if **one** member **of the public died** the court is **liable, as the entire court** remains **intact.** If **one** member **of** the **court died** the court is **exempt, as** the *halakha* here **is** like the *halakha* of **a sin-offering that one of the partners** who co-own the offering **died,**[N] **and due to that** reason the court is **exempt.**

מַתְקִיף לָהּ רַב יוֹסֵף, וְנוֹקְמָהּ כְּרַבִּי שִׁמְעוֹן דְּאָמַר: בֵּית דִּין עִם הַצִּבּוּר, מֵת אֶחָד מִן הַצִּבּוּר חַיָּבִין, דְּאֵין צִבּוּר מֵתִים, מֵת אֶחָד מִבֵּית דִּין פְּטוּרִין, כְּדְאָמְרִינַן דְּחַטַּאת שׁוּתָּפִין הִיא!

Rav Yosef objects to this: And let us establish this *halakha* **in accordance with** the opinion of **Rabbi Shimon, who says:** The **court,** together **with the public,** brings the offering. Therefore, if **one** member **of the public died** the court is still **liable, as** the **public does not die.** But if **one** member **of** the **court died** the court is **exempt, in accordance with** that **which we say, that it is a sin-offering** belonging to **partners.**[N]

אֲמַר לֵיהּ אַבַּיֵי, שָׁמְעִינַן לֵיהּ לְרַבִּי שִׁמְעוֹן דְּאָמַר: חַטַּאת שׁוּתָּפִין אֵינָהּ מֵתָה, דְּתַנְיָא: פָּר וְשָׂעִיר שֶׁל יוֹם הַכִּפּוּרִים שֶׁאָבְדוּ, וְהִפְרִישׁ אֲחֵרִים תַּחְתֵּיהֶם – יָמוּתוּ כּוּלָּן, דִּבְרֵי רַבִּי יְהוּדָה; רַבִּי אֶלְעָזָר וְרַבִּי שִׁמְעוֹן אוֹמֵר: יִרְעוּ, לְפִי שֶׁאֵין חַטַּאת צִבּוּר מֵתָה.

Abaye said to Rav Yosef: **We heard with regard to Rabbi Shimon that he says: A sin-offering** belonging to **partners is not** left to **die, as it is taught** in a *baraita*: In a case where **a bull**[B] **and a goat**[B] **of Yom Kippur**[H] **were lost, and one designated other** animals **in their place,** and then the lost animals were found, **they shall all** be left to **die;** this is **the statement of Rabbi Yehuda. Rabbi Elazar and Rabbi Shimon say: They shall graze** until they develop a blemish, **due to** the fact **that a communal sin-offering is not** left to **die.** The bull sacrificed on Yom Kippur belongs to the priests, and is therefore a sin-offering belonging to partners; nevertheless, Rabbi Shimon holds that its status is not that of a bull whose owners died.

אֲמַר לֵיהּ רַב יוֹסֵף: כֹּהֲנִים קָא אָמַרְתְּ? שָׁאנֵי כֹּהֲנִים, דְּאִיקְּרוּ קָהָל, דִּכְתִיב: ״עַל הַכֹּהֲנִים וְעַל כָּל עַם הַקָּהָל יְכַפֵּר״.

Rav Yosef said to Abaye: **Priests, you say? Priests are different, as they are characterized as a congregation** in and of themselves, **as it is written: "And for the priests and for all the people of the congregation he shall atone"** (Leviticus 16:33).

BACKGROUND

Bull of Yom Kippur – פַּר שֶׁל יוֹם הַכִּפּוּרִים: On Yom Kippur, the High Priest sacrifices a bull as a sin-offering to atone for himself, his family, and all the members of the priesthood (Leviticus 16:3, 6). The slaughter of the bull, the burning of its flesh, and the sprinkling of its blood are performed in accordance with the *halakhot* governing the sacrifice of bulls that are burned. In addition, its blood is also sprinkled between the staves of the Ark in the Holy of Holies. The blood of this bull is first sprinkled separately, and then it is mixed with the blood of the goat offered as a sin-offering to atone for the Jewish people, and the mixture is sprinkled on the golden incense altar.

High Priest confessing over the bull on Yom Kippur

Goat of Yom Kippur – שָׂעִיר שֶׁל יוֹם הַכִּפּוּרִים: The Torah (see Leviticus, chapter 16) mandates that on Yom Kippur the High Priest draw lots on two goats, one sacrificed as a sin-offering in the Temple and one sent to Azazel. The goat sacrificed as a sin-offering is slaughtered in the northern section of the Temple courtyard. The High Priest then takes its blood into the Holy of Holies and sprinkles it between the staves of the Ark. After exiting the Holy of Holies, he sprinkles the blood on the curtain separating the Holy of Holies from the Sanctuary. He then mixes the blood of the goat with the blood of the bull that he sacrificed earlier and sprinkles that mixture on the golden incense altar. Failure to perform any of these rites invalidates the offering. The remaining blood is poured at the western base of the altar. The meat and the hide of this goat are burned in a place designated for burning, outside Jerusalem.

High Priest confessing over the goat on Yom Kippur

HALAKHA

A bull and a goat of Yom Kippur – פַּר וְשָׂעִיר שֶׁל יוֹם הַכִּפּוּרִים: If a bull and a goat of Yom Kippur are lost and others are designated in their place, when they are found they graze until they develop a blemish. At that point they may be sold, with the proceeds of the sale used to purchase an animal that will be sacrificed as a gift offering, in accordance with the statements of Rabbi Elazar and Rabbi Shimon (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 4:2).

NOTES

It was a provisional edict – הוֹרָאַת שָׁעָה הָיְתָה: It was a provisional edict that this atonement would be effective even for intentional transgressions (Rashi). *Tosafot* note that according to this understanding, the entire offering was a provisional edict. Therefore, as this was not a standard offering, all questions raised with regard to this offering are not germane to the matter and no proof may be cited from here with regard to the *halakhot* of an unwitting communal sin-offering.

A sin-offering that one of the partners died – חַטָּאת שֶׁמֵּת אֶחָד מִן הַשּׁוּתָּפִין: Rashi explains that the reason Rav employed this formulation even though there is no sin-offering brought by partners is that members of the court cannot be characterized as a congregation; they are more similar to partners.

As the public does not die…partners – דְּאֵין צִבּוּר מֵתִים...שׁוּתָּפִין: Some explain that there is a substantive difference between the public and partners, as the public is an all-inclusive, single entity, and therefore it cannot die even if several of its members die. That is not the case with regard to partners, who are specific individuals. When one partner dies the nature of the partnership is altered.

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אֶלָּא מֵעַתָּה, נֵיתוּ פָּר בְּהוֹרָאָה! וְכִי תֵּימָא הָכִי נַמִּי, טָפֵי לְהוּ שִׁבְטִים!

The Gemara challenges: **If that is so,** that the priests are characterized as a congregation, **let them bring a bull** as an unwitting communal offering if they perform a transgression **on** the basis of the **ruling** of the court. **And if you would say indeed it is so,** that is difficult, as the number of **tribes has increased** to thirteen.

אֶלָּא אָמַר רַב אַחָא בְּרַבִּי יַעֲקֹב: שִׁבְטוֹ שֶׁל לֵוִי לָא אִיקְּרוּ קָהָל, דִּכְתִיב: ״הִנְנִי מַפְרְךָ וְהִרְבִּיתִךָ וּנְתַתִּיךָ לִקְהַל עַמִּים״ וגו׳, כָּל שֶׁיֵּשׁ לוֹ אֲחוּזָה אִיקְּרִי קָהָל, וְכָל שֶׁאֵין לוֹ אֲחוּזָה לָא אִיקְּרִי קָהָל.

Rather, Rav Aḥa, son of Rabbi Ya'akov, said: The tribe of Levi is not characterized as a congregation, as it is written: "Behold, I will make you fruitful and multiply you, and I will make of you a congregation of peoples; and I will give this land to your descendants after you for an everlasting possession" (Genesis 48:4). It is derived from here that **any** tribe **that has** an ancestral **possession** bequeathed to it **is characterized as a congregation, and any** tribe **that does not have** an ancestral **possession** bequeathed to it **is not characterized as a congregation.** The tribe of Levi has no ancestral land, and the priests who are from the tribe of Levi have no ancestral land.

אִם כֵּן, חַסְרִי לְהוּ שְׁנֵים עָשָׂר שִׁבָּטִים! אֲמַר אַבַּיֵי: ״אֶפְרַיִם וּמְנַשֶּׁה כִּרְאוּבֵן וְשִׁמְעוֹן יִהְיוּ לִי״. אֲמַר רָבָא: וְהָא כְּתִיב ״עַל שֵׁם אֶחֵיהֶם יִקָּרְאוּ בְּנַחֲלָתָם״, לְנַחֲלָה הוּקְּשׁוּ וְלֹא לְדָבָר אַחֵר!

The Gemara challenges: **If so, the twelve tribes are lacking** in number, as without the tribe of Levi there are only eleven. **Abaye said** that it is stated: "**Ephraim and Manasseh shall be like Reuben and Simeon to me**" (Genesis 48:5), and they are counted as two tribes. **Rava said: But isn't it written: "After the name of their brethren shall they be called in their inheritance"** (Genesis 48:6), indicating that it is **with regard to inheritance** that **they are likened**[H] to tribes, **but not with regard to another matter?**

וְלָא? וְהָא חֲלוּקִין בַּדְּגָלִים! כְּנַחֲלָתָן כָּךְ חֲנָיָתָן, כְּדֵי לְחַלֵּק כָּבוֹד לַדְּגָלִים.

The Gemara challenges: **And** are they **not** considered independent tribes concerning other matters as well? **But aren't they separate with regard to the banners** under which the Jewish people traveled in the wilderness? There were three tribes represented by each banner, and the three tribes under the banner of Manasseh were Manasseh, Ephraim, and Benjamin. The Gemara answers: **In accordance with** the division of the tribes according to **their inheritances, so was** the division of the tribes in **their encampment** around the Tabernacle. This was **in order to honor the banners,** so that there would be three tribes affiliated with each banner.

וְהָא חֲלוּקִים בַּנְּשִׂיאִים! הַהוּא לַחֲלוֹק כָּבוֹד לַנְּשִׂיאִים, דְּתַנְיָא: שְׁלֹמֹה עָשָׂה שִׁבְעָה יְמֵי חֲנוּכָּה, וּמָה רָאָה מֹשֶׁה לַעֲשׂוֹת שְׁנֵים עָשָׂר יְמֵי חֲנוּכָּה? כְּדֵי לַחֲלוֹק כָּבוֹד לַנְּשִׂיאִים.

The Gemara asks: **But aren't they separate with regard to** the matter of **princes** of the tribes, as the tribes of Ephraim and Manasseh had separate princes? The Gemara answers: **That** was **in order to honor the princes,** and there is no proof that they are two different tribes with regard to other matters. This is **as it is taught** in a *baraita*: **Solomon set seven days of dedication** of the Holy Temple, **and what did Moses see** that led him **to set twelve days of dedication** for the Tabernacle? He did so **in order to honor the** tribal **princes,** so that the prince of each tribe would bring his offering on his own day. Due to the honor each prince deserved, Ephraim and Manasseh are considered two tribes.

מַאי הֲוֵי עֲלָהּ?

The Gemara asks: **What** conclusion **was** reached **about** Rabbi Shimon's opinion? Does he hold that a sin-offering brought by several partners is different from a communal sin-offering, as Rav Yosef explained, or does he hold that there is no difference between them, as Abaye explained?

HALAKHA

With regard to inheritance they are likened – לְנַחֲלָה הוּקְּשׁוּ: With regard to determining the majority of the tribes as far as an erroneous ruling of the court is concerned, the tribes of Ephraim and Manasseh are not calculated as two tribes but rather as one. This is in accordance with the opinion of Rava, as the *halakha* is in accordance with his opinion in almost all of his disputes with Abaye (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 13:2).

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תָּא שְׁמַע, דְּתַנְיָא: רַבִּי שִׁמְעוֹן אוֹמֵר, חֲמֵשׁ חַטָּאוֹת מֵתוֹת: וְלַד חַטָּאת, וּתְמוּרַת חַטָּאת, וְחַטָּאת שֶׁמֵּתוּ בְּעָלֶיהָ, וְחַטָּאת שֶׁנִּתְכַּפְּרוּ בְּעָלֶיהָ, וְחַטָּאת שֶׁעָבְרָה שְׁנָתָהּ. וְאִי אַתָּה יָכוֹל לוֹמַר וְלַד חַטָּאת בְּצִבּוּר – שֶׁאֵין צִבּוּר מַפְרִישִׁין נְקֵבָה, וְאִי אַתָּה יָכוֹל לוֹמַר תְּמוּרַת חַטָּאת בְּצִבּוּר – שֶׁאֵין תְּמוּרָה בְּצִבּוּר, וְאִי אַתָּה יָכוֹל לוֹמַר חַטָּאת שֶׁמֵּתוּ בְּעָלֶיהָ בְּצִבּוּר – שֶׁאֵין צִבּוּר מֵתִים.

The Gemara suggests: **Come** and **hear** proof, **as it is taught** in a *baraita* that **Rabbi Shimon says:** There are **five sin-offerings** that are left to **die,**[NH] as they may not be sacrificed: **The offspring of a sin-offering** born after its mother was consecrated as a sin-offering; **the substitute**[B] **of a sin-offering,** which assumes sacred status but may not be sacrificed; **a sin-offering whose owners have died; a sin-offering whose owners'** sin was **atoned** for with another offering; **and a sin-offering whose** first **year has passed,** as a sin-offering may be brought only within the animal's first year. **And you cannot state** a case of **the offspring of a communal sin-offering, as** the **congregation does not designate a female** as a sin-offering,[N] **And you cannot state** a case of **a substitute of a communal sin-offering, as there is no substitute for a communal** offering. **And you cannot state** a case of **a sin-offering whose owners have died in** the case of **a communal** sin-offering, **as** the **public does not die.**

שֶׁנִּתְכַּפְּרוּ בְּעָלֶיהָ וְשֶׁעָבְרָה שְׁנָתָהּ לֹא שָׁמַעְנוּ, יָכוֹל יָמוּתוּ? אָמַרְתָּ: יִלְמוֹד סָתוּם מִן הַמְפוֹרָשׁ, מַה מָּצִינוּ בִּוְלַד חַטָּאת וּתְמוּרַת חַטָּאת וְשֶׁמֵּתוּ בְּעָלֶיהָ – בְּיָחִיד דְּבָרִים אֲמוּרִים וְלֹא בְּצִבּוּר, אַף שֶׁנִּתְכַּפְּרוּ בְּעָלֶיהָ וְשֶׁעָבְרָה שְׁנָתָהּ – בְּיָחִיד דְּבָרִים אֲמוּרִים וְלֹא בְּצִבּוּר.

With regard to a sin-offering **whose owners'** sin was **atoned** for **and** a sin-offering **whose** first **year has passed, we did not hear** whether the *halakha* applies to communal sin-offerings as well. One **might** have thought they too **shall** be left to **die. You say: One shall derive** the **vague from the explicit. What did we find with regard to the offspring of a sin-offering, the substitute of a sin-offering, and** a sin-offering **whose owners died?** We found that these matters **are stated** only **with regard to an individual** sin-offering, **but not with regard to a communal** sin-offering. **So too,** these matters of **a sin-offering whose owners'** sin was **atoned** for **and** a sin-offering **whose** first **year has passed are stated** only **with regard to an individual** sin-offering, **but not with regard to a communal** sin-offering. Likewise, one may derive that an individual's sin-offering must be left to die, while a sin-offering owned by partners is not left to die.

וְכִי דָּנִין אֶפְשָׁר מִשֶּׁאִי אֶפְשָׁר? רַבִּי שִׁמְעוֹן בְּחַד מָקוֹם גְּמִיר.

The Gemara asks: **And does one derive** the *halakha* of the **possible from** the **impossible?** Some of these cases are by their very nature not relevant to communal sin-offerings. One cannot derive the *halakha* from them with regard to cases that could be relevant to communal sin-offerings. The Gemara answers: **Rabbi Shimon learns** all these *halakhot* of sin-offerings that are left to die as a tradition **in one place,**[N] i.e., as a single *halakha*. In cases where not all the categories of sin-offerings left to die apply, no category of sin-offerings that are left to die applies.

הדרן עלך הורו בית דין

NOTES

Five sin-offerings that are left to die – חֲמֵשׁ חַטָּאוֹת מֵתוֹת: There are circumstances in which an animal is consecrated for sacrifice but may not be sacrificed for certain reasons. In some cases it is possible to utilize this animal by sacrificing it for a different purpose. For instance, money or an animal that was designated for sacrifice of the Paschal offering that remains after the Paschal offering was sacrificed can be utilized in the sacrifice of a peace-offering. In other cases, the animal grazes until a blemish develops, at which point it may be redeemed or sold. The proceeds from the redemption are used to purchase an animal to be sacrificed as a gift offering. If the offering in question is a sin-offering that was consecrated on behalf of an individual who performed a transgression, the halakhic tradition is that it is left to die.

The congregation does not designate a female as a sin-offering – אֵין צִבּוּר מַפְרִישִׁין נְקֵבָה: The animals sacrificed as communal sin-offerings that are listed in the Torah, e.g., goats sacrificed on the Festivals and the New Moon, and the bull sacrificed for an unwitting communal sin, are all male.

Learns them in one place – בְּחַד מָקוֹם גְּמִיר: Rabbi Shimon received the tradition concerning the sin-offerings that are left to die as a *halakha* transmitted to Moses from Sinai. Furthermore, he received the *halakha* as a single unit. Therefore, he holds that in any case where it is impossible for any reason to fulfill all of the details, the entire *halakha* does not apply. Accordingly, since not all the categories of sin-offerings that are left to die apply to communal offerings, no communal sin-offering is left to die.

Based on this, the *halakha* concerning a sin-offering of partners can also be determined. Since not all categories of sin-offerings left to die apply to sin-offerings owned by partners, e.g., the substitute of a sin-offering, Rabbi Shimon holds that no sin-offering owned by partners is left to die (Rashi).

HALAKHA

Five sin-offerings that are left to die – חֲמֵשׁ חַטָּאוֹת מֵתוֹת: The offspring of a sin-offering, the substitute of a sin-offering, a sin-offering whose owners died, a sin-offering whose owners' sin was atoned for with another offering, and a sin-offering whose first year has passed, are all left to die. This applies specifically to an individual sin-offering. A communal sin-offering grazes until a blemish develops. At that point it may be sold, with the proceeds of the sale used to purchase an animal that will be sacrificed as a gift offering (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 4:1).

BACKGROUND

Substitute – תְּמוּרָה: Substitution of a non-sacred animal for a sacrificial animal is mentioned in the Torah: "He shall neither alter it nor substitute it, good for bad or bad for good; and if he shall substitute animal for animal, then both it and its substitute shall be sacred" (Leviticus 27:10). Tractate *Temura* is dedicated in its entirety to the *halakhot* of substitution. The Torah prohibits the substitution of a non-sacred animal for a sacrificial animal, whether blemished or unblemished. One who substitutes an unconsecrated animal for one consecrated as an offering violates a Torah prohibition and is flogged. The substitute animal is consecrated and its status is identical to that of the animal for which it was substituted. One cannot sacrifice two sin-offerings for the same transgression. Therefore, in the case of a substitute for a sin-offering, the substitute is left to graze until it becomes blemished. It is then sold and its value is allocated for the purchase of a communal gift offering.

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Summary of **Perek I**

This chapter discussed the fundamental dilemmas with regard to erroneous rulings issued by the court. Many matters are subject to dispute among the *tanna'im*. Ultimately, the Gemara provides answers to these dilemmas.

The court under discussion is specifically the High Court, the Sanhedrin. The erroneous ruling that renders the court liable to bring an offering must be an erroneous ruling of the entire assembly. A majority does not suffice; the ruling must be unopposed. Even if a judge disagrees with the ruling, if he does not express his dissent the court is liable to bring the offering. There is liability to bring the offering only if a majority of the congregation performs the transgression on the basis of the court's ruling and thereby violates a Torah law. The Gemara expresses this principle as: The ruling is dependent on the court and the action is dependent on the congregation. The status of anyone who performs the transgression but does not do so on the basis of the ruling of the court, either because he disagrees with the ruling or because he disregards rulings of the court, is that of an individual who performed the transgression on his own.

In terms of the definition of congregation in this context, the Gemara concludes that each tribe of the Jewish people is considered a congregation. Yet the bull for an unwitting communal sin is brought only when a majority of the Jewish people or a majority of the tribes performed the transgression. Only the Jews living in Eretz Yisrael are considered when calculating a majority. Each and every congregation brings these offerings, even the tribes that did not perform the transgression. Those congregations that did not participate in the sin bring the offerings because of the concept of drawing after. For the unwitting violation of all prohibitions that fulfill the Gemara's conditions, twelve bulls are sacrificed, and for unwittingly engaging in idol worship twelve bulls and twelve goats are sacrificed.

Not all aspects of an erroneous ruling of the court are discussed. It was determined, however, that there is liability to bring the bull for an unwitting communal sin only if the court issued an erroneous ruling with regard to one detail of a Torah prohibition, a detail that is not written explicitly in the Torah. If the court issued an erroneous ruling permitting a matter that is explicitly prohibited in the Torah, or if it issued a ruling to abolish an entire mitzva, this is not considered a ruling of the court. The status of anyone who performed a transgression on the basis of such rulings is that of an individual who unwittingly performed a transgression, and he is liable to bring a sin-offering as atonement.

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Introduction to **Perek II**

If the anointed priest shall sin so as to bring guilt upon the people, then let him offer for his sin that he has sinned a young bullock without blemish unto the Lord for a sin-offering.

(Leviticus 4:3)

When a king sins, and he unwittingly performs one of all the mitzvot of the Lord his God that are not to be performed, and he is guilty: If his sin that he has sinned be known to him, he shall bring for his offering a goat, a male without blemish.

(Leviticus 4:22–23)

And if any one of the common people shall sin through error, in doing any of the things that the Lord has commanded not to be done, and is guilty: If his sin that he has sinned be known to him, then he shall bring for his offering a goat, a female without blemish, for his sin which he has sinned.

(Leviticus 4:27–28)

And if one soul sin through error, then he shall offer a female goat of the first year for a sin-offering.

(Numbers 15:27)

This chapter discusses two matters. One matter concerns the sin-offerings, for unwitting transgressions, unique to two public figures: The High Priest and the king. The primary focus of the chapter is ascertaining the nature of the unwitting transgression with regard to these dignitaries. Is the reference to an erroneous ruling, as in the case of the court, or is the reference to unwitting performance of an action, as in the case of an individual?

On the basis of that question, another question arises. What is the status of the High Priest and of the king with regard to other types of offerings brought for an unwitting transgression? There are prohibitions for which an ordinary Jew does not bring a fixed sin-offering but rather a sliding-scale offering, which is determined by the sinner's financial circumstances. The Gemara examines whether the High Priest and the king are liable to bring that offering, and similarly, in situations where an individual is liable to bring a definite or a provisional guilt-offering, whether these notables and the court are liable to bring those offerings.

Another topic addressed in this chapter, completing the discussion that took place in Chapter One, is the determination of whether these *halakhot* apply to all erroneous rulings or only to those that concern certain mitzvot. These dilemmas are not limited to unwitting communal sin-offerings, but are raised with regard to sin-offerings in general, including those offered to atone for unwitting violation of mitzvot other than idol worship and those offered to atone for unwitting idol worship, those brought for erroneous rulings and those brought for unwitting performance of an action, as well as those for which the court is liable and those for which individuals are liable.

Although these topics are the primary focus of the chapter, in the course of discussing these questions the Gemara also analyzes other related *halakhot*.

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מתני׳ הוֹרָה כֹּהֵן מָשִׁיחַ לְעַצְמוֹ שׁוֹגֵג וְעָשָׂה שׁוֹגֵג – מֵבִיא פָּר; שׁוֹגֵג וְעָשָׂה מֵזִיד, מֵזִיד וְעָשָׂה שׁוֹגֵג – פָּטוּר, שֶׁהוֹרָאַת כֹּהֵן מָשִׁיחַ לְעַצְמוֹ כְּהוֹרָאַת בֵּית דִּין לַצִּבּוּר.

MISHNA In a case where **an anointed priest,**[B] i.e., the High Priest, **issued** an erroneous **ruling**[H] **for himself** permitting performance of an action prohibited by Torah law, if he issued the ruling **unwittingly and** then **unwittingly performed** the transgression in accordance with his ruling, he is liable to **bring a bull** as a sin-offering for an unwitting transgression by the anointed priest. If he issued the ruling **unwittingly, and performed** the transgression **intentionally,**[H] or if he issued the ruling **intentionally and performed** the transgression **unwittingly,**[N] he is **exempt** from liability to bring any offering, **as** there is a principle: The legal status of **the ruling of an anointed priest for himself is like** that of **the ruling of the court for the** general **public.** Therefore, the High Priest is liable to bring the bull as a sin-offering for his unwitting transgression in a case when the court would be liable to bring the bull as a communal sin-offering for an unwitting transgression performed by the general public.

גמ׳ ״שׁוֹגֵג וְעָשָׂה שׁוֹגֵג – מֵבִיא פָּר״. פְּשִׁיטָא!

GEMARA The mishna teaches: If he issued the ruling **unwittingly and** then **unwittingly performed** the transgression in accordance with his ruling, he is liable to **bring a bull.** The Gemara asks: Isn't this **obvious?** This is certainly a case of an unwitting transgression, for which the Torah deems him liable to bring an offering.

אֲמַר אַבַּיֵי: הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁהוֹרָה וְשָׁכַח מֵאֵיזֶה טַעַם הוֹרָה, וּבְשָׁעָה שֶׁטָּעָה אָמַר: הֲרֵינִי עוֹשֶׂה עַל דַּעַת הוֹרָאָתוֹ, דִּמְהוּ דְּתֵיתֵי, כֵּיוָן דְּאִילּוּ מִתְיַדַּע לֵיהּ, [שְׁמָא] הָדַר בֵּיהּ – כְּמֵזִיד דָּמֵי וְלָא לִיחַייֵב, קָא מַשְׁמַע לָן.

Abaye said: What are we dealing with here? We are dealing with a case **where he issued** an erroneous **ruling and forgot**[H] **the reason that** was the basis upon which **he issued the ruling, and at the moment that he erred** and performed the transgression, **he said: I am hereby performing** this action **with** my **ruling in mind. As, lest you say: Since if the reason** that was the basis upon which he issued the ruling **became known to him** at that moment, **perhaps he would have retracted his** ruling, therefore if he nevertheless performed his transgression, his status is **like** that of **an intentional** transgressor,[N] **and let him not be liable** to bring an offering; to counter this, the *tanna* **teaches us** that this too is a case of an unwitting transgression.

״מֵזִיד וְעָשָׂה שׁוֹגֵג״ וכו׳. מְנָא הָנֵי מִילֵּי? דְּתָנוּ רַבָּנַן: ״לְאַשְׁמַת הָעָם״ – הֲרֵי מָשִׁיחַ כְּצִבּוּר, שֶׁיָּכוֹל, וַהֲלֹא דִּין הוּא.

§ The mishna teaches: If he issued the ruling unwittingly, and performed the transgression intentionally, or if he issued the ruling **intentionally and performed** the transgression **unwittingly,** he is exempt. The Gemara asks: **From where are these matters,** the *halakhot* unique to the sin-offering for an unwitting transgression by the anointed priest, derived? They are derived from a verse, **as the Sages taught** in a *baraita*: It is written: "If the anointed priest shall sin **so as to bring guilt upon the people**" (Leviticus 4:3), from which it is derived that the liability of the **anointed** priest **is** incurred **like** that of the general **public.** The Gemara discusses this derivation. **As** one **might** have thought that the verse is superfluous: **Could this not** be derived through **logical inference?**

BACKGROUND

Anointed priest – כֹּהֵן מָשִׁיחַ: When the anointing oil was in use, until the reign of King Josiah, who interred it along with the Ark of the Covenant and the tablets, the High Priest was consecrated by anointment with that oil. Later, the High Priest was consecrated by donning the eight vestments of the High Priest and performing the Temple service unique to the High Priest, but the term: Anointed priest, was nevertheless used in his regard.

Vestments of the High Priest

HALAKHA

Where an anointed priest issued an erroneous ruling, etc. – הוֹרָה כֹּהֵן מָשִׁיחַ וכו׳: The High Priest brings a bull for an unwitting transgression only if he issued an erroneous ruling unwittingly and performed an unwitting action on the basis of that ruling (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:1).

If he issued the ruling unwittingly and performed the transgression intentionally – שׁוֹגֵג וְעָשָׂה מֵזִיד: A High Priest who unwittingly issued an erroneous ruling for himself and unwittingly acted on the basis of that ruling brings a bull. If he did not perform the action on the basis of the decision, or if he performed the action intentionally, he does not bring any offering at all (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:2).

He issued an erroneous ruling and forgot – הוֹרָה וְשָׁכַח: If the High Priest issued an erroneous ruling for himself and forgot the reason that was the basis upon which he issued the ruling, if when he performed the transgression, he did so on the basis of that ruling, he brings a bull as a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:2).

NOTES

If he issued the ruling intentionally and performed the transgression unwittingly – מֵזִיד וְעָשָׂה שׁוֹגֵג: The early commentaries question how it is possible for the High Priest to perform the transgression unwittingly if he issued the ruling intentionally. This is possible in the parallel case, when it is the Sanhedrin that issues the ruling and the people act, as when they perform the transgression they do not know the ruling is incorrect. But in the case of the High Priest, if at the moment he performed the transgression he believed it was permitted, thereby rendering it unwitting, it by definition means that he is not intentionally ruling incorrectly. The Ramah, cited in the Rosh, explains that he intentionally ruled incorrectly, but when he performed the transgression he forgot why he had ruled that it was permitted, and he was under the impression that his ruling was correct. Others explain that the reference is to a case where he intentionally issued a ruling to permit an action, and then performed the transgression unwittingly due to a practical error, e.g., he ruled that forbidden fat was permitted, but ate a piece of forbidden fat thinking that it was permitted fat (*Ḥok Natan*). That is apparently the understanding of the Rambam as well.

His status is like that of an intentional transgressor – כְּמֵזִיד דָּמֵי: One might have thought that since he does not remember the reason that was the basis upon which he issued the ruling, he should have deliberated on the matter again before acting on his ruling. According to this, if he refrained from deliberating again, it is as though he performed the transgression intentionally; or according to a variant reading: It is not a full-fledged unwitting act.

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BACKGROUND

***Nasi* – נָשִׂיא:** Although the term *Nasi* in the Bible typically refers to the head of a tribe, the *Nasi* who brings a goat as a sin-offering is a king (see Leviticus 4:22). In the Talmud, the *Nasi* is the Sage who heads the Great Sanhedrin.

NOTES

The general public…does not bring a provisional guilt-offering – צִבּוּר...אֵין מְבִיאִין אָשָׁם תָּלוּי: A provisional guilt-offering is brought by one who is uncertain whether or not he unwittingly transgressed a prohibition for which, if he had definitely transgressed it unwittingly, he would bring a sin-offering. The reason the general public does not bring this offering is that with regard to the provisional guilt-offering it is written: "If a soul shall sin" (Leviticus 4:2), indicating that the obligation is only upon an individual (Rashi).

Brings a definite guilt-offering – מֵבִיא אָשָׁם וַדַּאי: The Torah uses the word "soul" (see, e.g., Leviticus 5:1) with regard to the guilt-offering, teaching that anyone who falls into the category of a soul, whether he is an ordinary person, a king, or a High Priest, is included in the liability to bring a definite guilt-offering.

צִבּוּר מוּצָא מִכְּלַל יָחִיד וּמָשִׁיחַ מוּצָא מִכְּלַל יָחִיד, מַה צִּבּוּר אֵין חַיָּבִין אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה, אַף מָשִׁיחַ לֹא יְהֵא חַיָּב אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה;

The general **public is removed from the category of an individual,** as an individual brings a ewe or female goat as a sin-offering, whereas when the general public sins the sin-offering is a bull. **And** likewise, **an anointed** priest **is removed from the category of an individual,** as his sin-offering is also a bull. Therefore, **just as** the general **public is liable only for absence** of awareness **of** the **matter** by the court together **with unwitting** performance **of an action** by the people, **so too, an anointed** priest **will be liable only for absence** of awareness **of** the **matter** together **with unwitting** performance **of an action.**

אוֹ כְּלָךְ לְדַרְכָּךְ זוֹ: נָשִׂיא מוּצָא מִכְּלַל יָחִיד וּמָשִׁיחַ מוּצָא מִכְּלַל יָחִיד, מַה נָּשִׂיא מֵבִיא בִּשְׁגְגַת מַעֲשֶׂה בִּלֹּא הֶעְלֵם דָּבָר, אַף מָשִׁיחַ מֵבִיא בִּשְׁגְגַת מַעֲשֶׂה בִּלֹּא הֶעְלֵם דָּבָר!

Or perhaps **go this way** and draw a different analogy: **A king** [*Nasi*][B] **is removed from the category of an individual,** as his sin-offering is a goat. **And an anointed** priest **is removed from the category of an individual.** Therefore, **just as a king brings** an offering **for unwitting** performance **of an action,** even **without absence** of awareness **of** the **matter** leading to an erroneous ruling, like any individual liable to bring a sin-offering, **so too, an anointed** priest **brings** an offering **for unwitting** performance **of an action,** even **without absence** of awareness **of** the **matter** leading to an erroneous ruling. It is possible to liken the anointed priest to either the general public or to the king.

נֵרְאֶה לְמִי דּוֹמֶה? צִבּוּר בְּפָר וְאֵין מְבִיאִין אָשָׁם תָּלוּי, וּמָשִׁיחַ בְּפָר וְאֵין מֵבִיא אָשָׁם תָּלוּי, מַה צִּבּוּר אֵינוֹ חַיָּב אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה, אַף מָשִׁיחַ לֹא יְהֵא חַיָּב אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה;

The Gemara considers these two comparisons: **Let us see to which** of them, the general public or the king, an anointed priest **is similar.** The general **public** achieves atonement **with a bull and does not bring a provisional guilt-offering,**[NH] **and an anointed** priest achieves atonement **with a bull and does not bring a provisional guilt-offering.**[H] Therefore one might say: **Just as** the general **public is liable only for absence** of awareness **of** the **matter** by the court together **with unwitting** performance **of an action** by the people, **so too, an anointed** priest **will be liable only for absence** of awareness **of** the **matter** together **with unwitting** performance **of an action.**

אוֹ כְּלָךְ לְדַרְכָּךְ זוֹ: נָשִׂיא מֵבִיא שְׂעִירָה בַּעֲבוֹדָה זָרָה וּמֵבִיא אָשָׁם וַדַּאי, וּמָשִׁיחַ מֵבִיא שְׂעִירָה בַּעֲבוֹדָה זָרָה וּמֵבִיא אָשָׁם וַדַּאי, מַה נָּשִׂיא מֵבִיא בִּשְׁגְגַת מַעֲשֶׂה, אַף מָשִׁיחַ מֵבִיא בִּשְׁגְגַת מַעֲשֶׂה!

Or perhaps **go this way** and draw a different analogy: **The king brings a female goat for** unwitting **idol worship and brings a definite guilt-offering**[N] for certain other transgressions where there is liability to bring a guilt-offering, e.g., misuse of consecrated property and robbery, **and an anointed** priest **brings a female goat for** unwitting **idol worship and brings a definite guilt-offering** for the same transgressions as the king. This is in contrast to the general public, which brings a bull as a sin-offering for unwitting idol worship and does not bring a definite guilt-offering at all. Therefore conclude: **Just as a king brings** an offering **for unwitting** performance **of an action** without absence of awareness of the matter, like any individual liable to bring a sin-offering, **so too, an anointed** priest **brings** an offering **for unwitting** performance **of an action** without absence of awareness of the matter.

תַּלְמוּד לוֹמַר: "לְאַשְׁמַת הָעָם", הֲרֵי הוּא מָשִׁיחַ כְּצִבּוּר, מַה צִּבּוּר אֵינוֹ מֵבִיא אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה, אַף מָשִׁיחַ אֵינוֹ מֵבִיא אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה.

Since either conclusion can be derived logically, another source is necessary. Therefore, **the verse states:** "If the anointed priest shall sin **so as to bring guilt upon the people"** (Leviticus 4:3), indicating that the status of the **anointed** priest **is like** that of the general **public.** Therefore, **just as** the general **public brings** an offering **only for absence** of awareness **of** the **matter** by the court **with unwitting** performance **of an action** by the people, **so too, an anointed** priest **brings** an offering **only for absence** of awareness **of** the **matter with unwitting** performance **of an action.**

HALAKHA

The general public…does not bring a provisional guilt-offering – צִבּוּר...אֵין מְבִיאִין אָשָׁם תָּלוּי: If the court is uncertain whether they issued an erroneous ruling, the judges are not liable to bring a provisional guilt-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:2).

An anointed priest…does not bring a provisional guilt-offering – מָשִׁיחַ...אֵין מֵבִיא אָשָׁם תָּלוּי: If a High Priest is uncertain whether he issued an erroneous ruling, he is not liable to bring a provisional guilt-offering, even if he performed a transgression on the basis of that ruling (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:6).

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אֵימָא: מַה צִּבּוּר הוֹרָה וְעָשׂוּ אַחֲרָיו בְּהוֹרָאָתוֹ חַיָּיבִין, אַף מָשִׁיחַ כְּשֶׁהוֹרָה וְעָשׂוּ אַחֲרָיו בְּהוֹרָאָתוֹ יְהֵא חַיָּיב! תַּלְמוּד לוֹמַר: ״וְהִקְרִיב עַל חַטָּאתוֹ אֲשֶׁר חָטָא״, עַל מַה שֶּׁחָטָא הוּא מֵבִיא, וְאֵין מֵבִיא עַל מַה שֶּׁחָטְאוּ אֲחֵרִים.

The Gemara challenges the comparison: Based on the comparison between the anointed priest and the general public, why not **say: Just as** with regard to the general **public,** if the court **issued a ruling and** the general public **performed** the transgression **after its** ruling and **in accordance with its ruling,** the court is **liable, so too,** with regard to **an anointed** priest, **when he issued a ruling and** the general public **performed** the transgression **after his** ruling and **in accordance with his ruling, he should be liable.** Therefore, **the verse states** with regard to the anointed priest: **"Then he shall offer for his sin that he has sinned"** (Leviticus 4:3), from which it is derived: **He brings** an offering **for that** sin **that he sinned** on the basis of his ruling, **but he does not bring** an offering **for that** sin **that others sinned** on the basis of his ruling.

אָמַר מָר: מָשִׁיחַ בְּפָר וְאֵין מֵבִיא אָשָׁם תָּלוּי. מְנָא לֵיהּ דְּאֵי מֵבִיא אָשָׁם תָּלוּי?

The Gemara elaborates on that which **the Master said: An anointed** priest achieves atonement **with a bull and does not bring a provisional guilt-offering.** The Gemara asks: **From where does** the *tanna* derive **that** an anointed priest **does not bring a provisional guilt-offering?**

דִּכְתִיב: ״וְכִפֶּר עָלָיו הַכֹּהֵן עַל שִׁגְגָתוֹ אֲשֶׁר שָׁגָג״, מִי שֶׁחַטָּאתוֹ וְשִׁגְגָתוֹ שָׁוֶה, יָצָא מָשִׁיחַ שֶׁאֵין שִׁגְגָתוֹ וְחַטָּאתוֹ שָׁוֶה, דִּכְתִיב: ״לְאַשְׁמַת הָעָם״, הֲרֵי הוּא מָשִׁיחַ כְּצִבּוּר.

The Gemara answers: It is derived from a verse, **as it is written** with regard to the *halakhot* of the guilt-offering: **"And the priest shall atone for him for his unwitting act that he performed unwittingly"** (Leviticus 5:18), from which it is derived that this *halakha* applies only to **one whose transgression and his unwitting** action **are equal,** i.e., an ordinary person, whose unwitting act is the very transgression that he performed unwittingly. This serves to **exclude an anointed** priest, **whose unwitting** action **and his transgression are not equal,** as his unwitting act is the erroneous ruling and he is liable to bring an offering only if he performed the transgression on the basis of that ruling. **As it is written** about the anointed priest: **"So as to bring guilt upon the people"** (Leviticus 4:3), indicating that the status of the **anointed** priest **is like** that of the general **public.**

״לְאַשְׁמַת הָעָם״ עַד כָּאן לָא קָאָמַר לֵיהּ! אֶלָּא, אָשָׁם נְדָבָה.

The Gemara questions this proof: How can the Gemara base the *halakha* on an interpretation of the verse: **"So as to bring guilt upon the people"? To this point,** the *tanna* of the *baraita* **did not state** this verse.[N] The *tanna* first states that the anointed priest does not bring a provisional guilt-offering and only then cites the verse from which he proves the *halakha* that an anointed priest brings an offering only for absence of awareness of the matter together with unwitting performance of an action. **Rather,** he stated the *halakha* of the provisional guilt-offering **for no reason.** Although the *halakha* is correct, there was no reason to cite it in the *baraita*.

מתני׳ הוֹרָה בִּפְנֵי עַצְמוֹ וְעָשָׂה בִּפְנֵי עַצְמוֹ – מִתְכַּפֵּר לוֹ בִּפְנֵי עַצְמוֹ, הוֹרָה עִם הַצִּבּוּר וְעָשָׂה עִם הַצִּבּוּר – מִתְכַּפֵּר לוֹ עִם הַצִּבּוּר, שֶׁאֵין בֵּית דִּין חַיָּיבִין עַד שֶׁיּוֹרוּ לְבַטֵּל מִקְצָת וּלְקַיֵּים מִקְצָת, וְכֵן הַמָּשִׁיחַ, וְלֹא בַּעֲבוֹדָה זָרָה – עַד שֶׁיּוֹרוּ לְבַטֵּל מִקְצָת וּלְקַיֵּים מִקְצָת.

MISHNA If the anointed priest **issued a ruling by himself**[H] **and performed** a transgression **by himself, he achieves atonement by himself** by bringing a bull as his sin-offering. If **he issued a ruling with the** general **public,** i.e., the Sanhedrin, **and performed** a transgression **with the** general **public,** i.e., the Jewish people, **he achieves atonement with the** general **public. As, the court is not liable**[N] **unless** the judges **issue a ruling to nullify part** of a commandment **and to sustain part** of that commandment, **and likewise** with regard to the ruling of **the anointed** priest.[H] **And** the court and the priest are **not** liable for a ruling **with regard to idol worship unless they issue a ruling to nullify part**[H] of that commandment **and to sustain part** of it.

גמ׳ מְנָהֲנֵי מִילֵּי? דְּתָנוּ רַבָּנַן: הוֹרָה עִם הַצִּבּוּר וְעָשָׂה עִם הַצִּבּוּר, יָכוֹל יָבִיא פָּר לְעַצְמוֹ?

GEMARA Concerning the *halakha* that there is a difference between an unwitting transgression that the anointed priest performs by himself and one that he performs with the general public, the Gemara asks: **From where is this matter** derived? The Gemara explains: It is **as the Sages taught** in a *baraita*: If the anointed priest **issued a ruling with the** general **public and performed** a transgression **with the** general **public,** one **might** have thought that he is liable to **bring a bull** as a sin-offering **for himself.**

NOTES

To this point he did not state this verse – עַד כָּאן לָא קָאָמַר לֵיהּ: The primary difficulty is that one cannot prove that the status of the High Priest equals that of the general public based on the *halakha* of the provisional guilt-offering, as the fact that the High Priest is exempt from bringing that offering is based only upon the *halakha* that the Gemara is seeking to prove.

As the court is not liable, etc. – שֶׁאֵין בֵּית דִּין חַיָּיבִין וכו׳: Based on the fact that the sentence begins with the word: As, Rashi explains that it is an explanation of the previous *halakha*: Since the status of the High Priest parallels that of the court with regard to erroneous rulings, his status is also like that of the general public with regard to atonement. Many commentaries hold that this is an independent *halakha* unrelated to the previous statement (Rosh; *Tosefot Yom Tov*).

HALAKHA

Issued a ruling by himself, etc. – הוֹרָה בִּפְנֵי עַצְמוֹ וכו׳: In a case where a High Priest issued an erroneous ruling together with the court, even if he and the general public performed a transgression on the basis of that erroneous ruling, since the High Priest acted on the basis of the ruling of the court and not merely upon his own ruling, he is exempt from bringing an offering. If he unwittingly issued an erroneous ruling together with the court, but the ruling of the court was with regard to one matter, e.g., blood, and the ruling of the High Priest was with regard to another matter, e.g., forbidden fat, he does not achieve atonement together with the general public. Instead, the High Priest brings his own bull as a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:4–5).

To nullify part…and likewise the anointed priest – לְבַטֵּל מִקְצָת...וְכֵן מָשִׁיחַ: The status of the High Priest is like that of the general public, as he is liable to bring an offering for his erroneous ruling only if he ruled to nullify part and sustain part of a mitzva (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:1–2).

With regard to idol worship unless they issue a ruling to nullify part, etc. – בַּעֲבוֹדָה זָרָה עַד שֶׁיּוֹרוּ לְבַטֵּל מִקְצָת וכו׳: The court is liable for an erroneous ruling with regard to idol worship only if it issues a ruling to nullify part and sustain part of the commandment (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 14:2).

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וְדִין הוּא: נָשִׂיא מוּצָא מִכְּלַל יָחִיד וּמָשִׁיחַ מוּצָא מִכְּלַל יָחִיד, מַה נָּשִׂיא – חָטָא בִּפְנֵי עַצְמוֹ מֵבִיא בִּפְנֵי עַצְמוֹ, חָטָא עִם הַצִּבּוּר מִתְכַּפֵּר לוֹ עִם הַצִּבּוּר, אַף מָשִׁיחַ – חָטָא בִּפְנֵי עַצְמוֹ מֵבִיא בִּפְנֵי עַצְמוֹ, חָטָא עִם הַצִּבּוּר מִתְכַּפֵּר לוֹ עִם הַצִּבּוּר!

The *baraita* continues: **And** there **is a logical inference** to support this: **A king is removed from the category of an individual and an anointed** priest **is removed from the category of an individual,** as each brings a different sin-offering than an individual. **Just as** with regard to **a king,** if **he sinned by himself he brings** his sin-offering of a goat **by himself,** and if **he sinned with the** general **public, he achieves atonement with the** general **public, so too,** with regard to **an anointed** priest, if **he sinned by himself he brings** his sin-offering of a bull **by himself,** and if **he sinned with the** general **public, he achieves atonement with the** general **public.**

לֹא, אִם אָמַרְתָּ בְּנָשִׂיא – שֶׁכֵּן מִתְכַּפֵּר לוֹ עִם הַצִּבּוּר בְּיוֹם הַכִּפּוּרִים, תֹּאמַר בְּמָשִׁיחַ – שֶׁאֵין מִתְכַּפֵּר לוֹ עִם הַצִּבּוּר בְּיוֹם הַכִּפּוּרִים?

The *baraita* rejects this: **No, if you said with regard to a king** that he achieves atonement with the general public, that is logical, **as he achieves atonement with the** general **public on Yom Kippur. Shall you** also **say** the same **with regard to an anointed** priest, **who does not achieve atonement with the** general **public on Yom Kippur** but rather brings his own atonement offering?

הוֹאִיל וְאֵין מִתְכַּפֵּר לוֹ עִם הַצִּבּוּר בְּיוֹם הַכִּפּוּרִים, יָכוֹל יָבִיא פָּר לְעַצְמוֹ? תַּלְמוּד לוֹמַר: ״עַל חַטָּאתוֹ אֲשֶׁר חָטָא״, הָא כֵּיצַד? חָטָא בִּפְנֵי עַצְמוֹ – מֵבִיא בִּפְנֵי עַצְמוֹ, חָטָא עִם הַצִּבּוּר – מִתְכַּפֵּר לוֹ עִם הַצִּבּוּר.

The *baraita* continues: **Since he does not achieve atonement with the** general **public on Yom Kippur,** one **might** have thought that **he will bring a bull for himself** even if he unwittingly performed a transgression with the general public. Therefore, **the verse states:** "Then he shall offer **for his sin that he has sinned"** (Leviticus 4:3), indicating that he sinned alone, not with the general public. **How so?** If **he sinned by himself he brings** his sin-offering of a bull **by himself;** if **he sinned with the** general **public, he achieves atonement with the** general **public.**

הֵיכִי דָּמֵי? אִילֵימָא דְּהוּא מוּפְלָא וְהֵם אֵינָן מוּפְלָאִין, פְּשִׁיטָא דְּמִתְכַּפֵּר לוֹ בִּפְנֵי עַצְמוֹ, הוֹרָאָה דִּלְהוֹן וְלָא כְּלוּם, וּבָעֵי אַתּוּיֵי כִּשְׁבָּה אוֹ שְׂעִירָה כָּל חַד וְחַד! וְאִי דְּאִינּוּן מוּפְלָאִין וְהוּא לָאו מוּפְלָא, אַמַּאי מִתְכַּפֵּר לוֹ בִּפְנֵי עַצְמוֹ? הָא הוֹרָאָה דִּידֵיהּ וְלָא כְּלוּם הִיא!

The Gemara elaborates: **What are the circumstances** of an anointed priest issuing a ruling for himself? **If we say** that it is a case **where** the High Priest **is a distinguished** scholar **and** the judges of the court **are not distinguished** scholars, it is **obvious that he achieves atonement by himself,** as **their ruling is nothing** at all, since they did not consult the generation's most prominent scholar. **And** accordingly, **each and every one** who performed a transgression **needs to bring a ewe or female goat** as an individual sin-offering. **And** if it is a case **where** the judges **are distinguished** scholars **and he is not a distinguished** scholar, **why does he achieve atonement by himself? Isn't his ruling nothing at all,**[N] and his transgression is an unwitting performance of an action alone, rather than a transgression performed on the basis of a ruling?

NOTES

Isn't his ruling nothing at all – הָא הוֹרָאָה דִּידֵיהּ וְלָא כְּלוּם הִיא: Rashi explains that because he is not qualified to issue rulings, then even though he issued a ruling for himself and relied on that ruling, it is as though he merely performed an unwitting transgression. Later, the Gemara proves that a High Priest is not liable to bring a sin-offering or any other offering for unwitting performance of a transgression.

Perek **II**
Daf **7** Amud **b**

אָמַר רַב פַּפָּא: כְּגוֹן שֶׁהָיוּ מוּפְלִין שְׁנֵיהֶן.

Rav Pappa says: The reference is to a case **where both** the anointed priest and the court, i.e., the judges, **were distinguished** Torah scholars with the authority to issue rulings.

סָבַר אַבַּיֵי לְמֵימַר: חָטָא בִּפְנֵי עַצְמוֹ וְעָשָׂה בִּפְנֵי עַצְמוֹ הֵיכִי דָּמֵי? דְּיָתְבִי בִּשְׁנֵי מְקוֹמוֹת וְקָא מוֹרוּ בְּתֵרֵי אִיסּוּרֵי, אֲמַר לֵיהּ רָבָא: אַטּוּ שְׁנֵי מְקוֹמוֹת גּוֹרְמִין? אֶלָּא אֲפִילּוּ יָתְבִי בְּחַד מָקוֹם, וְכֵיוָן דְּקָא מוֹרוּ בְּתֵרֵי אִיסּוּרֵי – חָטָא בִּפְנֵי עַצְמוֹ הוּא.

§ **Abaye thought to say** that with regard to the cases in the mishna: If the anointed priest **sinned**[N] **by himself and performed** a transgression **by himself, what are the circumstances?** It is a case **where** the priest and the court **were convened in two** different **places and issuing rulings with regard to two** different **prohibitions. Rava said to** Abaye: **Is that to say** that the fact that there are **two places determines** that he sinned by himself? **Rather,** it is **even** in a case where the High Priest and the court **are convened in one place. But since they are issuing rulings with regard to two** different **prohibitions, it is** a case where the anointed priest **sinned by himself.**

NOTES

Sinned – חָטָא: *Dikdukei Soferim* notes that this should read: Issued a ruling, not: Sinned.

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פְּשִׁיטָא, הוּא בְּחֵלֶב וְהֵן בַּעֲבוֹדָה זָרָה – חָטָא בִּפְנֵי עַצְמוֹ הוּא, דְּהָא חֲלוּקִין בְּטַעֲמַיְיהוּ וַחֲלוּקִין בְּקָרְבָּנוֹת, דְּהוּא בְּפָר וְהֵן בְּפָר וְשָׂעִיר, דְּהָא קָא מַיְיתוּ הָנֵי שָׂעִיר וְהוּא לֹא מַיְיתֵי. וְכָל שֶׁכֵּן הוּא בַּעֲבוֹדָה זָרָה וְהֵן בְּחֵלֶב, דַּחֲלוּקִין בְּקָרְבְּנוֹתֵיהֶן [לְגַמְרֵי], דְּהוּא שְׂעִירָה וְאִינְהוּ פָּר.

The Gemara continues: It is **obvious** that in a case where the anointed priest issued a ruling **with regard to** forbidden **fat and** the judges issued a ruling **with regard to idol worship, it is** a case where the anointed priest **sinned by himself. As** in this case the rulings **are distinct in** terms of **their reasons,** as each ruling is based on a different Torah source, **and they are** also **distinct in** terms of **their offerings, since** the priest achieves atonement **with a bull** as a sin-offering, **and** the judges achieve atonement **with a bull and a goat** as a sin-offering for unwitting idol worship, **as these** judges **bring a goat and** the priest **does not bring** a goat. **And all the more so** in a case where the anointed priest issued a ruling **with regard to idol worship and** the judges issued a ruling **with regard to** forbidden **fat, it is** a case where the anointed priest sinned by himself, **as** these rulings **are totally distinct in** terms of **their offerings, since** the priest brings **a female goat** as a sin-offering **and** the judges bring **a bull.**

אֶלָּא הוּא בְּחֵלֶב הַמְכַסֶּה אֶת הַקֶּרֶב וְהֵן בְּחֵלֶב שֶׁעַל הַדַּקִּין, מַהוּ? מִי אָמְרִינַן: אַף עַל גַּב דְּקָרְבָּנָן שָׁוֶה, כֵּיוָן דְּמִתְּרֵי קְרָאֵי קָאָתוּ הָא פְּלִיגִין בְּטַעֲמַיְיהוּ, אוֹ דִלְמָא שֵׁם חֵלֶב אֶחָד הוּא?

But in a case where the anointed priest issued a ruling **with regard to** forbidden **fat that covers the innards,** for example, **and** the judges issued a ruling **with regard to** forbidden **fat that is on the small intestines, what is** the *halakha*? **Do we say: Although their offerings are equal,** nevertheless, **since it is from two** different **verses** that the prohibitions **come,** the rulings **are distinct in** terms of **their reasons? Or perhaps, the category of** forbidden **fat is one** designation, and all types of forbidden fat are considered one transgression.

אִם תִּמְצָא לוֹמַר שֵׁם חֵלֶב אֶחָד הוּא, הוּא בְּחֵלֶב וְהֵן בְּדָם, מַהוּ? מִי אָמְרִינַן: בְּטַעֲמַיְיהוּ הָא פְּלִיגִין, אוֹ דִלְמָא כֵּיוָן דְּיָשְׁוִין בְּקָרְבָּן בַּתַּר קָרְבָּן אָזְלִינַן? תֵּיקוּ.

The Gemara continues: **If you say** that **the category of** forbidden **fat is one** designation, then in a case where the priest issues a ruling **with regard to** forbidden **fat and** the judges issue a ruling **with regard to blood,**[H] **what is** the *halakha*? **Do we say they are distinct in** terms of **their reasons,** as each prohibition has a different Torah source? **Or perhaps, since** forbidden **fat and blood are equal in** terms of the atonement **offering** that one is liable to bring for unwitting consumption, **we follow the offering,** so that the rulings of the priest and the judges are considered one ruling? The Gemara concludes: The dilemma **shall stand** unresolved.

״שֶׁאֵין בֵּית דִּין חַיָּבִין עַד שֶׁיּוֹרוּ לְבַטֵּל מִקְצָת וּלְקַיֵּים מִקְצָת״ וכו׳. מְנָלַן דְּעַד שֶׁיּוֹרוּ לְבַטֵּל מִקְצָת וּלְקַיֵּים מִקְצָת? כִּדְאָמְרִינַן בְּאֵידָךְ פִּירְקִין: ״וְנֶעְלַם דָּבָר״, דָּבָר – וְלֹא כָּל הַגּוּף.

§ The Gemara analyzes the *halakhot* stated in the mishna: **As the court is not liable unless** the judges **issue a ruling to nullify part** of a mitzva **and to sustain part** of that mitzva. The Gemara asks: **From where do we** derive **that** there is no liability **unless** the judges **issue a ruling to nullify part** of a mitzva **and to sustain part** of it? The Gemara answers: It is **as we say in the other chapter** of this tractate (3b): From the verse: "**And the matter is hidden**" (Leviticus 4:13), it is derived that there is liability if only **a matter,** a single detail, is hidden, **but not** if **the entire essence** of a mitzva is hidden.

״וְכֵן הַמָּשִׁיחַ״. מְנָלַן? דִּכְתִיב: ״לְאַשְׁמַת הָעָם״, הֲרֵי מָשִׁיחַ כְּצִבּוּר.

The mishna teaches: **And likewise** with regard to the ruling of **the anointed** priest. The Gemara asks: **From where do we** derive this *halakha*? It is derived from a verse, **as it is written:** "If the anointed priest shall sin **so as to bring guilt upon the people**" (Leviticus 4:3), indicating that the status of **an anointed** priest **is like** that of the general **public.**

״וְלֹא בַּעֲבוֹדָה זָרָה״ כו׳. מְנָלַן? דְּתָנוּ רַבָּנַן: לְפִי שֶׁיָּצְאָה עֲבוֹדָה זָרָה לִדּוֹן בְּעַצְמָהּ, יָכוֹל יְהוּ חַיָּבִין עַל עֲקִירַת מִצְוָה כּוּלָּהּ?

The mishna continues: **And** the court and the priest are **not** liable for a ruling **with regard to idol worship** unless they issue a ruling to nullify part of that mitzva and to sustain part of it. The Gemara asks: **From where do we** derive this? It is derived **as the Sages taught** in a *baraita*: **Due to** the fact **that idol worship left** the category of unwitting transgressions, **to be discussed by itself** (see Numbers, chapter 15), one **might** have thought **that** the court and the anointed priest **would be liable** even **for nullifying the mitzva in its entirety.**

HALAKHA

The priest issues a ruling with regard to forbidden fat and the judges with regard to blood – הוּא בְּחֵלֶב וְהֵן בְּדָם: If the High Priest ruled erroneously together with the court, and they erred concerning forbidden fat while he erred concerning blood, he does not achieve atonement with the general public. Rather, he brings his own separate bull.

With regard to the source of this ruling, the *Kesef Mishne* suggests that since the dilemma remains unresolved in the Gemara, the High Priest brings an offering and stipulates that if he has no liability to bring an offering, it will be a voluntary offering. The *Leḥem Mishne* explains that the Rambam ruled stringently based on the Gemara in Chapter One. Some assert that the Rambam had a variant reading of the Gemara in which the order of the dilemmas was different, and his ruling is based on the principle that the *halakha* is in accordance with a possibility introduced with the phrase: If you say (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:5).

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נֶאֱמַר כָּאן "מֵעֵינֵי" וְנֶאֱמַר לְהַלָּן "מֵעֵינֵי", מַה לְּהַלָּן בְּבֵית דִּין אַף כָּאן נַמִּי בְּבֵית דִּין, וּמַה לְּהַלָּן דָּבָר – וְלֹא כָּל הַגּוּף, אַף כָּאן נַמִּי דָּבָר – וְלֹא כָּל הַגּוּף.

Therefore, the term **"from the eyes of" is stated here,** with regard to idol worship (Numbers 15:24), **and** the term **"from the eyes of" is stated there,** with regard to an unwitting communal sin-offering for all other mitzvot (Leviticus 4:13). **Just as there** the reference is to nullifying the mitzva **in court, so too here,** the reference is to nullifying the mitzva **in court. And just as there,** with regard to an unwitting communal sin-offering, the reference is to nullifying **a matter, but not the entire essence, so too here,** the reference is to nullifying **a matter, but not the entire essence.**

מתני' אֵין חַיָּבִין אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת הַמַּעֲשֶׂה, וְכֵן הַמָּשִׁיחַ, וְלֹא בַּעֲבוֹדָה זָרָה – אֵין חַיָּבִין אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת הַמַּעֲשֶׂה.

MISHNA **The court is liable only for absence** of awareness **of** the **matter,** leading to an erroneous ruling, together **with unwitting** performance **of the action**[H] by the general public on the basis of that ruling. **And likewise, the anointed** priest[H] is liable only for an erroneous ruling and his unwitting performance of an action on the basis of that ruling. **And** the court and the priest are liable for a ruling **with regard to idol worship only for absence** of awareness **of the matter,** leading to an erroneous ruling, together **with unwitting** performance **of the action** on the basis of that ruling.

גמ' מְנָלָן? דְּתָנוּ רַבָּנַן: "יִשְׁגּוּ" – יָכוֹל יְהוּ חַיָּבִין עַל שִׁגְגַת מַעֲשֶׂה? תַּלְמוּד לוֹמַר: "יִשְׁגּוּ וְנֶעְלַם דָּבָר", אֵין חַיָּבִין אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה.

GEMARA With regard to the *halakha* that the court is liable only for absence of awareness of the matter together with unwitting performance of an action, the Gemara asks: **From where do we** derive this *halakha*? It is derived from a verse, **as the Sages taught** in a *baraita* that it is stated: "And if the entire congregation of Israel **shall act unwittingly"** (Leviticus 4:13). One **might** have thought **that they will be liable** to bring a bull **for** every case of **unwitting** performance **of an action.** Therefore, **the verse states: "Shall act unwittingly, and the matter was hidden"** (Leviticus 4:13), from which it is derived that the court is **liable only for absence** of awareness **of** the **matter,** leading to an erroneous ruling, together **with unwitting** performance **of an action** on the basis of that ruling.

"וְכֵן הַמָּשִׁיחַ". מְנָלָן? דִּכְתִיב: "לְאַשְׁמַת הָעָם", הֲרֵי מָשִׁיחַ כְּצִבּוּר.

The mishna continues: **And likewise the anointed** priest. The Gemara asks: **From where do we** derive this? It is derived from a verse, **as it is written** with regard to the anointed priest: "If the anointed priest shall sin **so as to bring guilt upon the people"** (Leviticus 4:3), indicating that the status of **an anointed** priest **is like** that of the general **public.**

"וְלֹא בַּעֲבוֹדָה זָרָה אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה". מְנָלָן?

The mishna continues: **And** the court and the priest are liable for a ruling **with regard to idol worship only for absence** of awareness **of** the **matter,** leading to an erroneous ruling, together **with unwitting** performance **of an action** on the basis of that ruling. The Gemara asks: **From where do we** derive this?

דְּתָנוּ רַבָּנַן: לְפִי שֶׁיָּצְאָה עֲבוֹדָה זָרָה לִדּוֹן בְּעַצְמָהּ, יָכוֹל יְהוּ חַיָּבִין עַל שִׁגְגַת הַמַּעֲשֶׂה? נֶאֱמַר כָּאן "מֵעֵינֵי" וְנֶאֱמַר לְהַלָּן "מֵעֵינֵי", מַה לְּהַלָּן אֵין חַיָּבִין אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה, אַף כָּאן אֵין חַיָּבִין אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה.

The Gemara answers: It is derived **as the Sages taught: Due to** the fact **that idol worship left** the category of unwitting transgressions **to be discussed by itself** (see Numbers, chapter 15), one **might** have thought **that** the court and the priest **would be liable for** a mere **unwitting** performance of **the action.** Therefore, the term **"from the eyes of" is stated here,** with regard to idol worship (Numbers 15:24), **and "from the eyes of" is stated there,** with regard to an unwitting communal sin-offering for all other mitzvot (Leviticus 4:13). **Just as there they are liable only for absence** of awareness **of** the **matter,** leading to an erroneous ruling, together **with unwitting** performance **of an action** on the basis of that ruling, **so too here, they are liable only for absence** of awareness **of** the **matter,** leading to an erroneous ruling, together **with unwitting** performance **of an action** on the basis of that ruling.

וְאִילּוּ מָשִׁיחַ בַּעֲבוֹדָה זָרָה לָא קָתָנֵי, מַתְנִיתִין מַנִּי? רַבִּי הִיא;

The Gemara notes: **Whereas,** the *halakha* that the status of **an anointed** priest who issues a ruling **with regard to idol worship**[H] is like that of the court **is not taught** in the mishna. **Whose** opinion is expressed in **the mishna? It is** the opinion of **Rabbi** Yehuda HaNasi.

HALAKHA

Absence of awareness of the matter with unwitting performance of the action – הֶעְלֵם דָּבָר עִם שִׁגְגַת הַמַּעֲשֶׂה: The High Court brings an offering for a transgression performed by the general public only when it unwittingly issues an erroneous ruling permitting a prohibited action for which an individual would be liable to bring a fixed sin-offering if he performed it, and only when a majority of the general public performs the transgression on the basis of that ruling (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1).

Likewise the anointed priest – וְכֵן הַמָּשִׁיחַ: The High Priest brings a bull as a sin-offering only if he unwittingly issues an erroneous ruling permitting a prohibited action and performs the transgression on the basis of that ruling (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:1, 3).

An anointed priest with regard to idol worship – מָשִׁיחַ בַּעֲבוֹדָה זָרָה: A High Priest is liable to bring an offering for idol worship only if he unwittingly issues an erroneous ruling permitting idol worship and engages in idol worship on the basis of that ruling. If he merely engaged in idol worship unwittingly without previously issuing a ruling he is exempt from bringing an offering, in accordance with the opinion of the Rabbis (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:3).

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דְּתַנְיָא: מָשִׁיחַ בַּעֲבוֹדָה זָרָה – רַבִּי אוֹמֵר: בְּשִׁגְגַּת מַעֲשֶׂה, וַחֲכָמִים אוֹמְרִים: בְּהֶעְלֵם דָּבָר; וְשָׁוִין שֶׁבִּשְׁעִירָה, וְשָׁוִין שֶׁאֵין מֵבִיא אָשָׁם תָּלוּי.

The Gemara explains: This is **as it is taught** in a *baraita*: If **an anointed** priest unwittingly engages **in idol worship, Rabbi** Yehuda HaNasi **says:** He brings an offering **for unwitting** performance **of an action,** like any other Jew. **And the Rabbis say:** He brings an offering **for absence** of awareness **of** the **matter,** leading to an erroneous ruling. **And they agree that** the atonement of an anointed priest is **with a female goat**[H] as a sin-offering, **and they agree that he does not bring a provisional guilt-offering.** Since the mishna omitted the *halakha* of an anointed priest who engages in idol worship, apparently it is in accordance with the opinion of Rabbi Yehuda HaNasi, who says that the status of the anointed priest in this regard is like that of any other Jew.

וְתִסְבְּרָא? בְּזִדּוֹנוֹ כָּרֵת וּבִשְׁגָּגָתוֹ חַטָּאת מִי קָתָנֵי?

The Gemara rejects this: **And** how can **you understand** the mishna in that manner? **In** the mishna (8a) that teaches that the court is not liable to bring an offering for absence of awareness of the matter unless they issue a ruling with regard to a matter for **whose intentional** violation one is liable to receive **excision from the World-to-Come** [***karet***] **and** for **whose unwitting** violation one is liable to bring **a sin-offering, does it teach** the *halakha* concerning an anointed priest in the latter clause of that mishna?

אֶלָּא תָּנֵי הָא הוּא הַדִּין לְהָא, הָכָא נַמִּי תָּנָא הָא וְהוּא הַדִּין לְהָא.

The Gemara explains: **Rather,** the *tanna* on 8a **teaches this** *halakha*, that in the first clause the anointed priest has the same *halakha* as the court, and **the same is true with regard to that** *halakha*, i.e., that in the latter clause the anointed priest has the same *halakha* as the court. **Here too,** the *tanna* **taught this** *halakha*, that in the first clause the anointed priest has the same *halakha* as the court, **and the same is true with regard to that** *halakha*, i.e., that in the latter clause the anointed priest has the same *halakha* as the court. Therefore, there is no proof that the mishna is not in accordance with the opinion of the Rabbis.

מַאי טַעְמָא דְּרַבִּי? אָמַר קְרָא: ״וְכִפֶּר הַכֹּהֵן עַל הַנֶּפֶשׁ הַשֹּׁגֶגֶת בְּחֶטְאָה בִּשְׁגָגָה״, ״הַנֶּפֶשׁ״ – זֶה מָשִׁיחַ, ״הַשֹּׁגֶגֶת״ – זֶה נָשִׂיא, ״בְּחֶטְאָה בִּשְׁגָגָה״ – רַבִּי סָבַר: חֵטְא זֶה בִּשְׁגָגָה יִהְיֶה,

The Gemara asks: **What is the reason** for the opinion **of Rabbi** Yehuda HaNasi? It is as **the verse states** with regard to idol worship: "**And the priest shall atone for the soul that acted unwittingly, when he sins unwittingly**" (Numbers 15:28). With regard to the term "**the soul," that is** referring to **an anointed** priest;[N] with regard to the term "**that acted unwittingly," that is** referring to **a king;** and due to the phrase "**when he sins unwittingly," Rabbi** Yehuda HaNasi **holds this sin shall be** one performed **unwittingly,**[N] not the result of absence of awareness of the matter, leading to an erroneous ruling.

וְרַבָּנַן סָבְרִי: מִי שֶׁחַטָּאתוֹ בִּשְׁגָגָה, יָצָא מָשִׁיחַ שֶׁאֵין חַטָּאתוֹ בִּשְׁגָגָה אֶלָּא בְּהֶעְלֵם דָּבָר.

And the Rabbis hold: This phrase serves to teach that the *halakha* that this offering is brought for an unwitting sin applies to **one whose sin-offering** for all other transgressions is **for an unwitting** act. This serves to **exclude an anointed** priest, **whose** liability to bring **a sin-offering for an unwitting** act is **only for absence** of awareness **of** the **matter,** leading to an erroneous ruling, **together** with unwitting performance of an action on the basis of that ruling.

וְשָׁוִין שֶׁבִּשְׁעִירָה בְּיָחִיד. מְנָלַן? דְּאָמַר קְרָא: ״וְאִם נֶפֶשׁ אַחַת״, אֶחָד יָחִיד וְאֶחָד נָשִׂיא וְאֶחָד מָשִׁיחַ – כּוּלָּם בִּכְלַל ״נֶפֶשׁ אַחַת״ הֵן.

The *baraita* teaches: **And they agree that** the atonement of an anointed priest is **with a female goat** as a sin-offering, **as** in the case of an ordinary **individual.** The Gemara asks: **From where do we** derive this *halakha*? The Gemara answers: It is derived from a verse, **as the verse states: "And if one soul** sins unwittingly, then he shall offer a female goat of the first year as a sin-offering" (Numbers 15:27). An ordinary **individual, a king, and an anointed** priest are all liable to bring an offering, as **they are all** included **in the category of "one soul."**

HALAKHA

And they agree that the atonement of an anointed priest is with a female goat – וְשָׁוִין שֶׁבִּשְׁעִירָה: If a High Priest unwittingly issues an erroneous ruling with regard to idol worship, ruling to nullify part and sustain part of the mitzva, and he engaged in idol worship on the basis of that ruling, he brings a female goat as a sin-offering, like any non-priest (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:3).

NOTES

The soul, that is an anointed priest, etc. – הַנֶּפֶשׁ זֶה מָשִׁיחַ וכו': Some understand that "the soul" refers to the anointed priest because he is the most special soul among the Jewish people in his sanctity. The term "that acted unwittingly" refers to the king because the verse states: "When the king shall sin" (Leviticus 4:22), and due to the king's greatness he is more likely than an ordinary person to sin unwittingly (*Meromei Sadeh*).

Shall be one performed unwittingly – בִּשְׁגָגָה יִהְיֶה: That is, this is merely an unwitting sin, a mistake concerning facts, and this does not refer to the lapse of awareness, leading to an erroneous halakhic ruling (Rashi).

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HALAKHA

That he does not bring a provisional guilt-offering – שֶׁאֵין מֵבִיא אָשָׁם תָּלוּי: If a High Priest is uncertain whether he issued an erroneous ruling, then even if he performed a transgression on the basis of that ruling, he does not bring a provisional guilt-offering, as in that regard his status is like that of the general public (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:6).

To exclude an anointed priest whose liability to bring a sin-offering is not for an unwitting act – יָצָא מָשִׁיחַ שֶׁאֵין חַטָּאתוֹ בִּשְׁגָגָה: The High Priest is liable to bring an offering only for absence of awareness of the matter, leading to an erroneous ruling, together with unwitting performance of an action on the basis of that ruling. That is the *halakha* with regard to idol worship as well as all other mitzvot, in accordance with the ruling of the Rabbis (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:3).

Unless they issue a ruling with regard to a matter for whose intentional violation one is liable to *karet*, etc. – עַד שֶׁיּוֹרוּ בְּדָבָר שֶׁזִּדּוֹנוֹ כָּרֵת וכו׳: If the Sanhedrin erroneously ruled that it is permitted to perform a particular action for whose unwitting violation an individual is liable to bring a fixed sin-offering, and a majority of the general public transgressed on the basis of that ruling, the Sanhedrin is liable to bring a sin-offering. Likewise, if a High Priest erroneously ruled that it is permitted to perform a particular action for whose unwitting violation an individual is liable to bring a fixed sin-offering, and he transgressed on the basis of that ruling, he is liable to bring a bull (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1, 15:1).

NOTES

And for whose unwitting violation one is liable to bring a sin-offering – וְשִׁגְגָתוֹ חַטָּאת: *Tosafot* ask: The discussion in the Gemara is with regard to the obligation to bring a sin-offering; why, then, is it necessary for the Gemara to say: For whose unwitting violation one is liable to bring a sin-offering? *Tosafot* explain that this is simply the standard expression employed to characterize this type of mitzva, and the Gemara merely inserted that expression, even though that part of the expression is not necessary in this context. Others explain that the Gemara includes that phrase to teach that for any transgression for which an individual is liable to bring a sin-offering, the court brings a bull as a sin-offering. But for an act for whose intentional violation one is liable to receive *karet* and for whose unwitting violation one is not liable to bring a sin-offering, e.g., not sacrificing the Paschal offering or not being circumcised, which are transgressions of positive mitzvot, the court would be exempt (*Tosafot* on *Yevamot* 8b). Rabbi Ovadya Bartenura explains that the court is exempt in the case of the prohibition against blaspheming as well, as although for its intentional violation one is liable to receive *karet*, for its unwitting transgression one is not liable to bring a sin-offering because it is a prohibition whose violation does not entail an action. Likewise, the court is exempt concerning a ruling with regard to defiling of the Temple or its sacrificial foods, as an individual who does so is liable to bring a sliding-scale offering.

וְשָׁוִין שֶׁאֵין מֵבִיא אָשָׁם תָּלוּי. מְנָלָן? דִּכְתִיב: ״וְכִפֶּר [עָלָיו] הַכֹּהֵן עַל שִׁגְגָתוֹ אֲשֶׁר שָׁגָג״, רַבִּי סָבַר: מִי שֶׁכָּל חַטְאוֹ בִּשְׁגָגָה, יָצָא זֶה שֶׁאֵין [כָּל] חַטְאוֹ בִּשְׁגָגָה אֶלָּא בְּהֶעְלֵם דָּבָר.

The *baraita* teaches: **And they agree that he does not bring a provisional guilt-offering.**[H] The Gemara asks: **From where do we** derive this *halakha*? It is derived from a verse, **as it is written** with regard to the provisional guilt-offering: **"And the priest shall atone for him for his unwitting act that he performed unwittingly"** (Leviticus 5:18). Rabbi Yehuda HaNasi and the Rabbis disagree with regard to the interpretation of this verse, in accordance with their opinions. **Rabbi** Yehuda HaNasi **holds:** This is referring to **one whose sin-offering** for **all** transgressions is **for an unwitting** act. This serves to **exclude that** anointed priest, **as all of his sin-offerings are not for an unwitting** act alone; **rather,** he brings a sin-offering only if that unwitting act is performed on the basis **of absence** of awareness **of** the **matter,** leading to an erroneous ruling.

מִידֵּי ״כָּל״ כְּתִיב? אֵין, דְּאִם כֵּן נִכְתּוֹב ״עַל שִׁגְגָתוֹ״, לָמָּה לִי ״אֲשֶׁר שָׁגָג״? הָא קָא מַשְׁמַע לָן, דְּעַד דְּאֵיכָּא כָּל חַטְאוֹ בִּשְׁגָגָה, יָצָא מָשִׁיחַ שֶׁאֵין כָּל חַטְאוֹ בִּשְׁגָגָה אֶלָּא בַּעֲבוֹדָה זָרָה, וְלֹא בִּשְׁאָר מִצְוֹת אֶלָּא בְּהֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה.

The Gemara asks: **Is it written** in the verse: For **all** his unwitting acts that he performed unwittingly? Only the phrase "for his unwitting act that he performed unwittingly" is written. The Gemara answers: **Yes,** it is as though the word: All, is written. **As if** it were **so** that the verse is not referring to all unwitting acts, **let** the Torah **write** only: **"For his unwitting act." Why do I** need the additional phrase: **"That he performed unwittingly"? This teaches us that** there is no liability to bring a provisional guilt-offering **unless** liability to bring **all his sin-offerings is for unwitting** acts. This serves to **exclude an anointed** priest, **all of whose** liability to bring **a sin-offering for an unwitting** act alone **is only in** cases of **idol worship, but in** cases involving **the rest of** the **mitzvot** there is liability **only for absence** of awareness **of** the **matter,** leading to an erroneous ruling, together **with unwitting** performance **of an action** on the basis of that ruling.

וְרַבָּנַן? מִי שֶׁחֶטְאוֹ בִּשְׁגָגָה, יָצָא מָשִׁיחַ שֶׁאֵין חַטְאוֹ בִּשְׁגָגָה לֹא בַּעֲבוֹדָה זָרָה וְלֹא בִּשְׁאָר מִצְוֹת אֶלָּא בְּהֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה.

And the Rabbis interpret the verse in accordance with their opinion that an anointed priest, even in cases of idol worship, brings a sin-offering only for absence of awareness of the matter, leading to an erroneous ruling, together with unwitting performance of an action on the basis of that ruling. They hold: This teaches us that there is liability to bring a provisional guilt-offering only for **one whose** liability to bring his **sin-offerings is for an unwitting** act. This serves to **exclude an anointed** priest, **whose** liability to bring **a sin-offering is not for an unwitting** act[H] alone, **neither in** cases of **idol worship, nor in** cases involving **the rest of** the **mitzvot,** but **rather for absence** of awareness **of** the **matter,** leading to an erroneous ruling, together **with unwitting** performance **of an action** on the basis of that ruling.

מתני׳ אֵין בֵּית דִּין חַיָּבִין עַד שֶׁיּוֹרוּ בְּדָבָר שֶׁזִּדּוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת, וְכֵן הַמָּשִׁיחַ, וְלֹא בַּעֲבוֹדָה זָרָה – עַד שֶׁיּוֹרוּ עַל דָּבָר שֶׁזִּדּוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת.

MISHNA **The court is not liable** to bring an offering for absence of awareness of the matter **unless they issue a ruling with regard to a matter** for **whose intentional** violation one is liable to receive ***karet***[H] **and** for **whose unwitting** violation one is liable to bring **a sin-offering.**[N] **And likewise the anointed priest** is liable only for such a ruling. **Neither** is the court liable to bring a sin-offering **for idol worship unless** the judges **issue a ruling with regard to a matter** for **whose intentional** violation one is liable to receive ***karet*, and** for **whose unwitting** violation one is liable to bring **a sin-offering.**

גמ׳ מְנָלָן?

GEMARA With regard to the statement in the mishna that the court is liable only for a ruling with regard to a matter for whose intentional violation one is liable to receive *karet* and for whose unwitting violation one is liable to bring a sin-offering, the Gemara asks: **From where do we** derive this *halakha*?

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דְּתַנְיָא, רַבִּי אוֹמֵר: נֶאֱמַר כָּאן ״עָלֶיהָ״ וְנֶאֱמַר לְהַלָּן ״עָלֶיהָ״, מַה לְּהַלָּן דָּבָר שֶׁזְּדוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת, אַף כָּאן דָּבָר שֶׁזְּדוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת.

The Gemara answers: It is derived **as it is taught** in a *baraita* that **Rabbi** Yehuda HaNasi **says:** The word **"that" is stated here** in the verse: "And the sin that they sinned" (Leviticus 4:14), with regard to the offering brought by the court for the transgression of the public based on their erroneous ruling, **and** the word **"that" is stated there** in the verse: "And you shall not take a woman to her sister, to be a rival to her, to uncover her nakedness, that is in her lifetime" (Leviticus 18:18), with regard to the prohibition against marrying two sisters. It is derived: **Just as there** it is **a matter** for **whose intentional** violation one is liable to receive ***karet* and** for **whose unwitting** violation one is liable to bring **a sin-offering, so too here,** the reference is to **a matter** for **whose intentional** violation one is liable to receive ***karet* and** for **whose unwitting** violation one is liable to bring **a sin-offering.**

אַשְׁכַּחַן צִבּוּר, מָשִׁיחַ מְנָלַן? ״לְאַשְׁמַת הָעָם״ – הֲרֵי מָשִׁיחַ כְּצִבּוּר.

We found a source for the court bringing an offering for a transgression of the general **public** based on their erroneous ruling. **From where do we** derive that this is the *halakha* for **an anointed** priest? The Gemara answers: It is derived from the verse: "If the anointed priest shall sin **so as to bring guilt upon the people"** (Leviticus 4:3), indicating that the status of **an anointed** priest **is like** that of the transgression of the general **public.**

נָשִׂיא? יָלִיף מִצְוֹת מִצְוֹת, כְּתִיב גַּבֵּי נָשִׂיא: ״וְעָשָׂה אַחַת מִכָּל מִצְוֹת ה׳״, וּכְתִיב בְּצִבּוּר: ״וְעָשׂוּ אַחַת מִכָּל מִצְוֹת״, מַה צִּבּוּר – דָּבָר שֶׁזְּדוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת, אַף נָשִׂיא – דָּבָר שֶׁזְּדוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת.

The Gemara asks: From where is it derived that this is the *halakha* with regard to the **king?** The Gemara answers: The *tanna* **derives** a verbal analogy between the term **"commandments"** written with regard to a king and the term **"commandments"** written with regard to the general public. **It is written with regard to a king: "And he performed one of all the commandments of the Lord** his God that are not to be performed" (Leviticus 4:22), **and it is written with regard to** the general **public: "And performed one of all the commandments** of the Lord that are not to be performed" (Leviticus 4:13). **Just as** with regard to the general **public** there is liability only for **a matter** for **whose intentional** violation one is liable to receive ***karet* and** for **whose unwitting** violation one is liable to bring **a sin-offering, so too,** in the case of **a king** there is liability only for **a matter** for **whose intentional** violation one is liable to receive ***karet* and** for **whose unwitting** violation one is liable to bring **a sin-offering.**

יָחִיד? אָמַר קְרָא: ״וְאִם נֶפֶשׁ״, וְיִלְמַד תַּחְתּוֹן מֵעֶלְיוֹן.

The Gemara asks further: From where is it derived that **an individual** is liable to bring a sin-offering[H] only for a matter for whose intentional violation one is liable to receive *karet*? The Gemara answers: **The verse** with regard to an individual **states: "And if one soul** from among the common people shall sin unwittingly" (Leviticus 4:27). The verse begins with the conjunction "and," represented by the letter *vav*. This indicates that **one shall derive** the *halakha* with regard to the **lower** verse, i.e., the verse written later in the passage, **from** that which is written in the **upper** verses, i.e., those written earlier. Just as in those verses earlier in the passage, addressing the public, priest, and king, there is liability only for a matter for whose intentional violation one is liable to receive *karet*, so too, in the case of the individual addressed in this verse, there is liability only for a matter for whose intentional violation one is liable to receive *karet*.

״וְלֹא בַּעֲבוֹדָה זָרָה עַד שֶׁיּוֹרוּ״. בַּעֲבוֹדָה זָרָה מְנָלַן? דְּתָנוּ רַבָּנַן: לְפִי שֶׁיָּצְאָה עֲבוֹדָה זָרָה לִדּוֹן בְּעַצְמָהּ, יָכוֹל יְהוּ חַיָּבִין אֲפִילּוּ עַל דָּבָר שֶׁאֵין זְדוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת?

§ The mishna teaches: **Neither** is the court liable to bring a sin-offering **for idol worship unless** the judges **issue a ruling** with regard to a matter for whose intentional violation one is liable to receive *karet*, and for whose unwitting violation one is liable to bring a sin-offering. The Gemara asks: **In** the case of **idol worship, from where do we** derive this *halakha*? It is derived **as the Sages taught: Due to** the fact **that idol worship left** the category of unwitting transgressions **to be discussed by itself** (see Numbers, chapter 15), one **might** have thought **that** the court and the priest **would be liable even** if it is **not** for **a matter** for **whose intentional** violation one is liable to receive ***karet* and** for **whose unwitting** violation one is liable to bring **a sin-offering.**

HALAKHA

An individual is liable to bring a sin-offering – יָחִיד מֵבִיא חַטָּאת: If one unwittingly transgresses a prohibition whose violation involves an action and for whose intentional violation one is liable to receive *karet*, he is liable to bring a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 1:1).

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נֶאֱמַר כָּאן ״מֵעֵינֵי״ וְנֶאֱמַר לְהַלָּן ״מֵעֵינֵי״, מַה לְּהַלָּן דָּבָר שֶׁזְּדוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת, אַף כָּאן דָּבָר שֶׁזְּדוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת.

The *baraita* continues: Therefore, the term **"from the eyes of" is stated here,** with regard to idol worship (Numbers 15:24), **and "from the eyes of" is stated there,** with regard to an unwitting communal sin-offering for all other mitzvot (Leviticus 4:13). **Just as there** the court is liable only for **a matter** for **whose intentional** violation one is liable to receive ***karet* and** for **whose unwitting** violation one is liable to bring **a sin-offering, so too here,** the court is liable only for **a matter** for **whose intentional** violation one is liable to receive ***karet* and** for **whose unwitting** violation one is liable to bring **a sin-offering.**

אַשְׁכַּחַן צִבּוּר; יָחִיד, נָשִׂיא, מָשִׁיחַ מְנָלָן? אָמַר קְרָא: ״וְאִם נֶפֶשׁ אַחַת״, אֶחָד יָחִיד וְאֶחָד נָשִׂיא וְאֶחָד מָשִׁיחַ – כּוּלָּן בִּכְלַל ״נֶפֶשׁ אַחַת״ הֵן, וְיִלְמַד תַּחְתּוֹן מִן הָעֶלְיוֹן.

The *baraita* concludes: **We found** a source for the court bringing an offering for a transgression of the general **public** based on their erroneous ruling; but **from where do we** derive that this is the *halakha* for **an individual, a king,** and **an anointed** priest who engage in idol worship? It is derived from a verse, as **the verse states: "And if one soul** sins unwittingly, then he shall offer a female goat of the first year as a sin-offering" (Numbers 15:27). And with regard to **an individual, a king, and an anointed** priest, **they all are included in the category of "one soul." And one shall derive** the *halakha* with regard to that which is written in the **lower** verse, i.e., the verses concerning an individual, a king, and an anointed priest, **from** that which is written in the **upper** verse, i.e., the verse concerning the transgression of the general public.

הָנִיחָא לְמַאן דְּמַפֵּיק לָהּ לְ״עָלֶיהָ״ לִגְזֵרָה שָׁוָה – בְּדַאֲמָרַן, אֶלָּא לְרַבָּנַן דְּמַפְּקִי לָהּ לְ״עָלֶיהָ״ לַעֲרָיוֹת וְצָרוֹת, דָּבָר שֶׁזְּדוֹנוֹ כָּרֵת וְשִׁגְגָתוֹ חַטָּאת מְנָא לְהוּ?

The Gemara challenges: **This works out well according to the one who derives** the *halakha* by using the term **"that" for a verbal analogy**[B] to teach that the court is liable only for a ruling with regard to a matter for whose intentional violation one is liable to receive *karet*, **in accordance with** that **which we stated. But according to the Rabbis, who derive** the *halakha* by using the term **"that" to** teach the *halakhot* of **those with whom relations are forbidden and rival wives** with regard to a *yevama* (see *Yevamot* 3b), **from where do they** derive the *halakha* of **a matter** for **whose intentional** violation one is liable to receive ***karet* and** for **whose unwitting** violation one is liable to bring **a sin-offering** in the case of the transgression of the general public?

נָפְקָא לְהוּ מִדְּמַתְנֵי לֵיהּ רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי לִבְרֵיהּ: ״תּוֹרָה אַחַת יִהְיֶה לָכֶם לָעֹשֶׂה בִּשְׁגָגָה וְהַנֶּפֶשׁ אֲשֶׁר תַּעֲשֶׂה בְּיָד רָמָה״ וגו׳, הוּקְּשָׁה כָּל הַתּוֹרָה כּוּלָּהּ לַעֲבוֹדָה זָרָה, מָה עֲבוֹדָה זָרָה שֶׁחַיָּבִין עַל זְדוֹנוֹ כָּרֵת וְעַל שִׁגְגָתוֹ חַטָּאת, אַף כָּאן שֶׁחַיָּבִין עַל זְדוֹנוֹ כָּרֵת וְעַל שִׁגְגָתוֹ חַטָּאת.

The Gemara answers: **They derive it from** that **which Rabbi Yehoshua ben Levi taught to his son** based on the verse: **"There shall be one Torah for you for the one who acts unwittingly. And the soul that performs with an upraised hand,** he blasphemes the Lord; and that soul shall be cut off [*venikhreta*] from among his people" (Numbers 15:29–30). The Sages understood the phrase "with an upraised hand" to be referring to idol worship (see *Sanhedrin* 99a). **The entire Torah is juxtaposed to idol worship: Just as idol worship** is a prohibition for **which one is liable for its intentional** violation to receive ***karet* and for its unwitting** violation to bring **a sin-offering, so too here,** for the entire Torah **one is liable for its intentional** violation to receive ***karet* and for its unwitting** violation to bring **a sin-offering.**

אַשְׁכַּחַן יָחִיד נָשִׂיא וּמָשִׁיחַ בֵּין בַּעֲבוֹדָה זָרָה בֵּין בִּשְׁאָר מִצְוֹת, צִבּוּר מְנָלָן? יָלִיף עֶלְיוֹן מִתַּחְתּוֹן.

The Gemara challenges: **We found** a source for this *halakha* with regard to **an individual, a king, and an anointed priest, both with regard to idol worship and with regard to the rest of the mitzvot,** as all those are included in the category of "one soul" and are juxtaposed to idol worship. But **from where do we** derive that the general **public** is liable to bring a sin-offering only for a matter for whose intentional violation one is liable to receive *karet*? The Gemara answers: **One derives** the *halakha* with regard to that which is written in the **upper** verse, i.e., the verse concerning the general public, **from** that which is written in the **lower** verse, i.e., the verse concerning an individual.

BACKGROUND

Verbal analogy – גְּזֵרָה שָׁוָה: The verbal analogy is a fundamental talmudic principle of biblical exegesis, appearing in all the standard lists of hermeneutical principles. If the same word or phrase appears in two places in the Torah, and a specific *halakha* is explicitly stated in one of these places, then on the basis of verbal analogy it is inferred that the same *halakha* applies to the other case as well. Certain restrictions were placed on this principle to prevent unfounded derivations, most significantly, that one may not infer a verbal analogy on his own, i.e., only a verbal analogy received through tradition is valid.

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וְרַבִּי הָא דְּרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי מַאי עָבֵיד לֵיהּ? מַפֵּיק לֵיהּ לְכִדְתַנְיָא: לְפִי שֶׁמָּצִינוּ שֶׁחִלֵּק הַכָּתוּב בֵּין רַבִּים לְיחִידִים, רַבִּים בְּסַיִיף וּמָמוֹנָן אָבֵד, יְחִידִים בִּסְקִילָה וּמָמוֹנָן פָּלֵט, יָכוֹל נַחֲלוֹק בָּקָרְבְּנוֹתֵיהֶם? תַּלְמוּד לוֹמַר: ״תּוֹרָה אַחַת יִהְיֶה״ וגו׳.

The Gemara asks: **And Rabbi** Yehuda HaNasi, who derives this matter from the term "that," **what does he do with this** verse, from **which Rabbi Yehoshua ben Levi** taught a *halakha* to his son? The Gemara answers: **He derives** a *halakha*, using the verse **to** teach **that which is taught** in a *baraita*: **Due to** the fact **that we found that the verse distinguished** with regard to idol worship **between** the **many,** who constitute the majority of a city, **and individuals,** as the **many** are executed **through** beheading with **a sword**[H] **and their property is lost,**[B] as the court destroys it, while **individuals** are executed **through stoning and their property is spared,** one **might** have thought **that** in the case of unwitting idol worship **we would distinguish between** the **offerings** that **they** are liable to bring. Therefore, **the verse states: "There shall be one Torah for you** for the one who acts unwittingly. And the soul that performs with an upraised hand, he blasphemes the Lord" (Numbers 15:29–30).

מַתְקִיף לָהּ רַב חִלְקִיָּה מֵהַגְרוֹנְיָא: טַעְמָא דְּלָא חִלֵּק הַכָּתוּב, הָא חִלֵּק הֲוָה אָמִינָא נַחֲלוֹק, מַאי נַיְיתֵי?

Rav Ḥilkiya of Hagronya objects to it: The reason that both individuals and the general public are liable to bring the same offering for unwitting idol worship is **that the verse did not distinguish** between them. **But had the verse distinguished** between them, **I would say: Let us distinguish** between individuals and the general public, and the general public would bring a different offering for their unwitting idol worship. **What** different offering **shall they bring?**

נַיְיתֵי פָּר, צְבוּר בְּשְׁאָר מִצְוֹת הוּא דְּמַיְיתוּ! נַיְיתִי פָּר לְעוֹלָה וְשָׂעִיר לְחַטָּאת, צְבוּר בְּעַבוֹדָה זָרָה הוּא דְּמַיְיתוּ! נַיְיתִי שָׂעִיר, נָשִׂיא בִּשְׁאָר מִצְוֹת הוּא דְּמַיְיתֵי! נַיְיתֵי שְׂעִירָה, יָחִיד נַמִי הַיְינוּ קָרְבָּנוֹ!

If one would say: **Let them bring a bull,** that is difficult, as **it is for** unwitting violation of **the rest of the mitzvot that** the general **public brings** a bull. If one would say: **Let them bring a bull for a burnt-offering**[B] **and a goat for a sin-offering,** that is difficult, as **it is for** unwitting **idol worship that** the general **public brings** those offerings in the case of an absence of awareness leading to an erroneous ruling by the court. If one would say: **Let them bring a goat,** that is difficult, as **it is for** unwitting violation of **the rest of the mitzvot that a king brings** a goat. If one will say: **Let them bring a female goat,** that is difficult, as **that is the offering for an individual, too.**

אַלְמָה לָא אִיצְטְרִיךְ? סָלְקָא דַּעְתָּךְ אָמִינָא: צְבוּר מַיְיתֵי פָּר לְעוֹלָה וְשָׂעִיר לְחַטָּאת, הָנֵי נַיְיתֵי אִיפְּכָא, פָּר לְחַטָּאת וְשָׂעִיר לְעוֹלָה, אִי נַמִי צָרִיךְ וְאֵין לוֹ תַּקָּנָה, קָא מַשְׁמַע לָן.

The Gemara rejects this: **Why** do you say that the verse that equates the offerings of the individuals and the public is **not necessary?** Were it not for the verse, it might **enter your mind to say:** The general **public brings a bull for a burnt-offering and a goat for a sin-offering, but this** majority of a city that unwittingly engaged in idol worship **shall bring the opposite: A bull for a sin-offering and a goat for a burnt-offering. Alternatively,** perhaps the majority of a city that unwittingly engaged in idol worship **must** bring an offering, **but it has no remedy,** because there is no unique offering that it can bring. Therefore, the verse **teaches us** that there is no distinction between many people and individuals in this case.

HALAKHA

As the many are executed through beheading with a sword, etc. – רַבִּים בְּסַיִיף וכו׳: What is the *halakha* of an idolatrous city? The court comes to the city and judges everyone against whom witnesses testify that he engaged in idol worship. If a majority of the city's inhabitants are found guilty, they are taken to the Great Sanhedrin in Jerusalem to complete their trial. All those who engaged in idol worship are beheaded, and their families are executed. Afterward, all the property in the city is gathered into its central square and burned together with the entire city. If witnesses testify that a minority of the city's inhabitants engaged in idol worship, or that people from outside the city did so, those transgressors are executed by stoning, and their property remains intact (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 4:6).

BACKGROUND

An idolatrous city – עִיר הַנִּדַּחַת: The Torah (see Deuteronomy 13:13–19) discusses the unique *halakha* with regard to a city where the majority of its inhabitants are guilty of idol worship. The city is judged by the Great Sanhedrin, the court of seventy-one, which is authorized to send an army to subdue the city if necessary. Afterward, courts are convened and each of the city's adult inhabitants is judged. Those found guilty of idol worship are subjected to beheading rather than stoning, the usual penalty for idolatry. The innocent are not executed. All of the property in the city, including the property of the righteous, is destroyed, and all of its buildings are razed to the ground. The ruins of the city may never be rebuilt.

BACKGROUND

Burnt-offering – עוֹלָה: A burnt-offering, which is consumed in its entirety on the altar, may be brought from male cattle, sheep, goats, pigeons, or doves. Private individuals would typically bring a burnt-offering as a gift offering, but would occasionally bring a burnt-offering for the intentional failure to fulfill a positive mitzva or for licentious or idolatrous thoughts. In addition, there are certain cases where individuals are obligated to bring a burnt-offering together with other offerings. Many of the communal offerings, e.g., the daily offerings and many of the additional offerings brought on Shabbat and Festivals, are burnt-offerings.

A burnt-offering is an offering of the most sacred order. It must be slaughtered in the northern portion of the Temple courtyard, and its blood is sprinkled at the northeast and southwest corners of the altar, so the blood reaches all four sides of the altar. Afterward, the animal's hide is removed and given to the priests, and its limbs are cut. The remainder of the blood is then poured at the base of the altar, and the limbs are burned on the altar.

Priests bringing the limbs of the daily burnt-offering to the altar

Burning the limbs of the daily burnt-offering

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דְּכוּלֵי עָלְמָא מִיהַת: כִּי כְּתִיבִי הָנֵי קְרָאֵי – בַּעֲבוֹדָה זָרָה הוּא דִּכְתִיבִי, מַאי מַשְׁמַע? אֲמַר רָבָא, וְאִי תֵּימָא רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, וְאָמְרִי לָהּ כְּדִי, אָמַר קְרָא: "וְכִי תִשְׁגּוּ וְלֹא תַעֲשׂוּ אֵת כָּל הַמִּצְוֹת הָאֵלֶּה", אֵיזוֹ הִיא מִצְוָה שֶׁהִיא שְׁקוּלָה כְּכָל הַמִּצְוֹת? הֱוֵי אוֹמֵר: זוֹ עֲבוֹדָה זָרָה.

§ **In any event, everyone agrees** that **where these verses are written, it is with regard to idol worship that they are written.** The Gemara asks: As the verse does not mention idol worship explicitly, **from where** is this **inferred? Rava said, and some say** it was **Rabbi Yehoshua ben Levi** who said, **and some say** that the statement is **unattributed,** that **the verse states: "And when you act unwittingly, and do not perform all these commandments** [*kol hamitzvot*] that the Lord spoke to Moses" (Numbers 15:22). **Which is** the **mitzva**[N] **that is the equivalent of all the mitzvot?**[H] **You must say: It is** the prohibition against **idol worship.**

דְּבֵי רַבִּי תָּנָא, אָמַר קְרָא: "אֲשֶׁר דִּבֶּר ה' אֶל מֹשֶׁה", וּכְתִיב: "אֲשֶׁר צִוָּה ה' אֲלֵיכֶם בְּיַד מֹשֶׁה", אֵיזוֹ הִיא מִצְוָה שֶׁהִיא בְּדִיבּוּרוֹ שֶׁל הַקָּדוֹשׁ בָּרוּךְ הוּא וְצִוָּה עַל יְדֵי מֹשֶׁה? הֱוֵי אוֹמֵר: זוֹ עֲבוֹדָה זָרָה, דְּתָנָא דְּבֵי יִשְׁמָעֵאל: "אָנֹכִי" וְ"לֹא יִהְיֶה לְךָ" מִפִּי הַגְּבוּרָה שְׁמַעֲנוּם.

The school of Rabbi Yehuda HaNasi **taught** that **the verse states: "That the Lord spoke to Moses"** (Numbers 15:22), **and it is written: "That the Lord has commanded you by the hand of Moses"** (Numbers 15:23). **Which is** the **mitzva that** was introduced **in the speech** of **the Holy One, Blessed be He,** heard by the Jewish people, **and** which **He commanded** in the Torah **by means of Moses? You must say: This is idol worship, as Rabbi Yishmael taught** concerning the first two commandments: "**I** am the Lord your God" (Exodus 20:2), **and: "You shall have no** other gods before Me" (Exodus 20:3): **We,** the Jewish people, **heard them from the mouth of the Almighty.**

דְּבֵי רַבִּי יִשְׁמָעֵאל תָּנָא:

The school of Rabbi Yishmael taught

NOTES

Which is the mitzva, etc. – אֵיזוֹ הִיא מִצְוָה וכו': Some explain that these verses cannot be explained as actually referring to all the mitzvot, as the verse refers to unwitting violation of the prohibition, and one does not abandon all the mitzvot unwittingly. It also cannot be said that the reference is to any individual mitzva, as the language of the verse is: "All these commandments." Therefore, it must be that the reference is to a single mitzva that is equivalent to all the mitzvot.

HALAKHA

The mitzva that is the equivalent of all the mitzvot – מִצְוָה שֶׁהִיא שְׁקוּלָה כְּכָל הַמִּצְוֹת: The prohibition against idol worship is equivalent to all the mitzvot, in accordance with the opinion of Rabbi Yehoshua ben Levi (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 2:4).

Perek **II**
Daf **8** Amud **b**

NOTES

The Jewish people were commanded in…Marah – נִצְטַוּוּ יִשְׂרָאֵל בְּמָרָה: These mitzvot were given immediately after they crossed the Red Sea. They included the seven Noahide laws, as well as the mitzvot of Shabbat, honoring one's parents, and establishing a legal system.

A positive mitzva…related to the Temple – עֲשֵׂה…שֶׁבַּמִּקְדָּשׁ: Beyond the general mitzva incumbent upon the court to remove ritually impure people from the Temple, the positive mitzva related to the Temple has a specific provision: If one becomes ritually impure within the confines of the Temple, he must take the shortest path out, as it is prohibited for him to remain there (Rosh).

"לְמִן הַיּוֹם אֲשֶׁר צִוָּה ה' וָהָלְאָה לְדוֹרוֹתֵיכֶם", אֵיזוֹ הִיא מִצְוָה שֶׁהִיא נֶאֱמְרָה בִּתְחִלָּה? הֱוֵי אוֹמֵר: זוֹ עֲבוֹדָה זָרָה. וְהָא אָמַר מָר: עֶשֶׂר מִצְוֹת נִצְטַוּוּ יִשְׂרָאֵל בְּמָרָה (דִּכְתִיב: "וְהָיָה אִם שָׁמוֹעַ תִּשְׁמַע לְקוֹל ה' אֱלֹהֶיךָ")! אֶלָּא, מְחַוְּורְתָּא כִּדְשַׁנִּינַן מֵעִיקָּרָא.

that it is derived from the verse: "All that the Lord has commanded you by the hand of Moses, **from the day that the Lord commanded and onward throughout your generations"** (Numbers 15:23). **Which is** the **mitzva that was stated at the beginning** of all the mitzvot? **You must say: This is idol worship,** as it is the first mitzva in the Ten Commandments. The Gemara asks: **But didn't the Master say: The Jewish people were commanded ten mitzvot in Marah**[N] soon after leaving Egypt, prior to the revelation at Sinai, **as it is written: "If you shall hearken to the voice of the Lord your God…** and listen to His mitzvot" (Exodus 15:26)? Evidently, there were mitzvot that preceded the prohibition against idol worship. **Rather, it is clear as we initially answered.**

מתני' אֵין חַיָּבִין עַל עֲשֵׂה וְעַל לֹא תַעֲשֶׂה שֶׁבַּמִּקְדָּשׁ, וְאֵין מְבִיאִין אָשָׁם תָּלוּי עַל עֲשֵׂה וְעַל לֹא תַעֲשֶׂה שֶׁבַּמִּקְדָּשׁ;

MISHNA The court is **not liable** to bring a bull as an unwitting communal sin-offering for issuing a ruling with regard **to a positive** mitzva **or a prohibition related to** the defiling of **the Temple**[NH] by one being there while ritually impure, or the defiling of its sacrificial foods by one partaking of them while ritually impure. There is a positive mitzva to remove impure people from the Temple, and there is a prohibition against entering the Temple while in a state of ritual impurity. **And one does not bring a provisional guilt-offering**[H] **for a positive** mitzva **or a prohibition related to** the defiling of **the Temple** or its sacrificial foods.

HALAKHA

The court is not liable with regard to a positive mitzva or a prohibition related to the Temple – אֵין חַיָּבִין עַל עֲשֵׂה וְעַל לֹא תַעֲשֶׂה שֶׁבַּמִּקְדָּשׁ: A court brings a sin-offering only for violating a prohibition for which an individual is liable to bring a fixed sin-offering. It does not bring a sin-offering for a prohibition for which one is liable to bring a sliding-scale offering, e.g., defiling the Temple (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1).

One does not bring a provisional guilt-offering, etc. – אֵין מְבִיאִין אָשָׁם תָּלוּי וכו': If one is uncertain whether he performed a transgression for whose unwitting violation one is liable to bring a fixed sin-offering, he brings a provisional guilt-offering. If one is uncertain whether he performed a transgression for whose violation one is liable to bring a sliding-scale offering, e.g., defiling the Temple, he does not bring a provisional guilt-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 8:1).

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אֲבָל חַיָּיבִין עַל עֲשֵׂה וְעַל לֹא תַּעֲשֶׂה שֶׁבְּנִדָּה, וּמְבִיאִים אָשָׁם תָּלוּי עַל עֲשֵׂה וְעַל לֹא תַּעֲשֶׂה שֶׁבְּנִדָּה. אֵיזוֹ הִיא מִצְוַת עֲשֵׂה שֶׁבְּנִדָּה? פְּרוֹשׁ מִן הַנִּדָּה, וּמִצְוַת לֹא תַּעֲשֶׂה? אַל תָּבֹא עַל הַנִּדָּה.

But the court **is liable** to bring a bull **for a positive** mitzva **or** for **a prohibition that is related to a menstruating woman, and one brings a provisional guilt-offering for a positive** mitzva **or** for **a prohibition that is related to a menstruating woman. What is** the **positive mitzva that is related to a menstruating woman? Distance** yourself **from the menstruating woman.**[N] If a man engages in intercourse with a woman and she begins menstruating, he is required to separate from her. **And what is the prohibition? Do not engage in intercourse with** a woman whom you know is **a menstruating woman.**

גמ׳ מְנָא הָנֵי מִילֵּי דְּצִבּוּר לָא מְחַיְּבִי קָרְבָּן בְּעַלְמָא, וְיָחִיד אָשָׁם תָּלוּי נַמִּי לָא?

GEMARA The Gemara asks: **From where are these matters** derived? That is, from where is it derived **that** the general **public is not liable** to bring any **offering at all** for a sin like the defiling of the Temple, which carries no liability for an individual to bring a fixed sin-offering for violating it unwittingly, **and** from where is it derived that **an individual too** is **not** liable to bring **a provisional guilt-offering** for the defiling of the Temple?

אָמַר רַב יִצְחָק בַּר אַבְדִּימִי: נֶאֱמַר ״וְאָשֵׁם״ בְּחַטָּאת וּבְאָשָׁם תָּלוּי, וְנֶאֱמַר ״וְאָשְׁמוּ״ בְּצִבּוּר, מַה ״וְאָשֵׁם״ בְּיָחִיד בְּחַטָּאת קְבוּעָה, אַף ״וְאָשְׁמוּ״ בְּצִבּוּר בְּחַטָּאת קְבוּעָה;

Rav Yitzḥak bar Avdimi says: The term **“and he is guilty” is stated with regard to a sin-offering** (Leviticus 4:27) **and with regard to a provisional guilt-offering** (Leviticus 5:17), **and** the similar term: **“And they are guilty”** (Leviticus 4:13), **is stated with regard to** the general **public. Just as** the term **“and he is guilty”** that is stated **with regard to an individual** is **concerning** a transgression for which one is liable to bring **a fixed sin-offering,** as it is written there, **so too,** the term **“and they are guilty”** that is stated **with regard to** the general **public** is **concerning** a transgression for which one is liable to bring **a fixed sin-offering.** For the defiling of the Temple or its sacrificial foods one is liable to bring a sliding-scale offering, not a fixed offering.

וּמָה צִבּוּר בְּחַטָּאת קְבוּעָה, אַף אָשָׁם תָּלוּי נַמִּי אֵין בָּא אֶלָּא עַל סְפֵק חַטָּאת קְבוּעָה. אָמְרִי: אִי הָכִי, קָרְבָּן עוֹלֶה וְיוֹרֵד נַמִּי הָא כְּתִיב: ״וְהָיָה כִּי יֶאְשַׁם לְאַחַת מֵאֵלֶּה״! דָּנִין (אָשֵׁם מִן אָשְׁמוּ): [״אָשְׁמוּ״ מִן ״אָשֵׁם״] וְאֵין דָּנִין ״אָשֵׁם״ מִן ״יֶאְשַׁם״.

And just as with regard to a transgression performed by the general **public** the liability is to bring **a fixed sin-offering, so too, a provisional guilt-offering comes only for uncertainty** with regard to a transgression that renders one obligated to bring **a fixed sin-offering.** This is the source for the fact that there is no liability to bring a sin-offering if the general public defiles the Temple or its sacrificial foods, and individuals are not liable to bring a provisional guilt-offering for those transgressions. The Sages **say: If so,** and the derivation is based on that term, this is difficult, as **isn’t it also written** with regard to **a sliding-scale offering: “And it shall be when he shall be guilty of one of these matters”** (Leviticus 5:5)? The Gemara responds: **One derives** the meaning of **“they are guilty” from** the meaning of **“he is guilty,” but one does not derive** the meaning of **“he is guilty” from** the meaning of **“he shall be guilty,”** even though both are stated in the singular.

וּמַאי נָפְקָא מִינָּהּ? וְהָא תָּנֵי דְּבֵי רַבִּי יִשְׁמָעֵאל: ״וְשָׁב הַכֹּהֵן״ ״וּבָא הַכֹּהֵן״ – זוֹ הִיא שִׁיבָה זוֹ הִיא בִּיאָה! וְעוֹד, נֵילַף מִן ״וְאָשֵׁם״ מִטּוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו, דִּכְתִיב: ״וְהוּא טָמֵא וְאָשֵׁם״!

The Gemara asks: **And what difference** is there between the different verb conjugations? **But didn’t the school of Rabbi Yishmael teach** a verbal analogy with regard to leprosy of houses? The verse states: **“And the priest shall return** [***veshav***]” (Leviticus 14:39), and another verse with regard to the priest’s visit seven days later states: **“And the priest shall come** [***uva***] and look” (Leviticus 14:44). **This returning** and **this coming** have the same meaning and one can therefore derive by verbal analogy that the *halakha* that applies if the leprosy had spread at the conclusion of the first week applies if it had spread again by the end of the following week. If a verbal analogy can be derived between two different terms, it can certainly be derived from two conjugations of the same term. **And furthermore, let us derive** the *halakha* **from** the term **“and he is guilty,”** written **with regard to the defiling of** the **Temple or its sacrificial** foods, **as it is written: “And he is ritually impure and he is guilty”** (Leviticus 5:2), which is a verbal analogy between identical terms.

NOTES

Distance yourself from the menstruating woman – פְּרוֹשׁ מִן הַנִּדָּה: Virtually all commentaries explain that the reference is to a mitzva incumbent upon a man engaging in intercourse with a woman who begins to menstruate, that he must immediately withdraw in a manner that will minimize any pleasure that he will experience (*Tosafot*; Rosh; Rabbeinu Ḥananel; Rashi on *Shevuot* 17b). Rashi here and Rabbeinu Yehonatan of Lunel explain that the reference is to the mitzva for one to distance himself from his wife prior to the expected time of her menstruation.

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אָמַר רַב פַּפָּא: דָּנִין "וְאָשֵׁם וּמְצוֹת ה'" מִן "וְאָשֵׁם וּמְצוֹת ה'". אֲמַר לֵיהּ רַב שִׁימִי בַּר אַשִׁי לְרַב פַּפָּא: וְנֵילַף "וְאָשֵׁם" וּנְשִׂיאַת עָוֹן מִן "וְאָשֵׁם" וּנְשִׂיאַת עָוֹן!

Rav Pappa says: One derives the meaning of: **"And he is guilty," and: "The commandments of the Lord"** (Leviticus 5:17), which are written with regard to a provisional guilt-offering, **from** the meaning of: **"And they are guilty," and: "The commandments of the Lord"** (Leviticus 4:13), which are written with regard to the unwitting communal sin-offering. The phrase: The commandments of the Lord, is not written with regard to the sliding-scale offering. **Rav Shimi bar Ashi said to Rav Pappa: Let us derive** the meaning of: **"And he is guilty and bearing of iniquity"** (see Leviticus 5:1, 4), **from** the meaning of: **"And he is guilty and bearing of iniquity"** (Leviticus 5:17).

אֶלָּא אָמַר רַב נַחְמָן בַּר יִצְחָק: דָּנִין "וְאָשֵׁם" וּ"מְצוֹת ה' אֲשֶׁר לֹא תֵעָשֶׂינָה" מִ"וְאָשֵׁם" וּ"מְצוֹת ה' אֲשֶׁר לֹא תֵעָשֶׂינָה", וְאַל יוֹכִיחַ שְׁמִיעַת קוֹל וּבִיטּוּי שְׂפָתַיִם וְטוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו שֶׁלֹּא נֶאֱמַר בָּהֶם "וְאָשֵׁם" וּ"מְצוֹת ה' אֲשֶׁר לֹא תֵעָשֶׂינָה".

Rather, Rav Naḥman bar Yitzḥak says: One derives the meaning of **"and he is guilty" and "the commandments of the Lord that shall not be done"** written with regard to a provisional guilt-offering, **from** the meaning of: **"And he is guilty," and: "The commandments of the Lord that shall not be done"** (Leviticus 4:27), written with regard to a fixed sin-offering. **And** the cases of **hearing of a voice,**[B] i.e., an oath of testimony, **and a statement of the lips,**[B] i.e., an oath on an utterance, **and the defiling of** the **Temple or its sacrificial** foods,[B] for which one is liable to bring a sliding-scale offering, **shall not prove** otherwise, **as it is not stated concerning them: And he is guilty, and: The commandments of the Lord that shall not be done.**

מתני' אֵין חַיָּבִין עַל שְׁמִיעַת קוֹל וְעַל בִּיטּוּי שְׂפָתַיִם וְעַל טוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו; וְהַנָּשִׂיא כַּיּוֹצֵא בָּהֶם, דִּבְרֵי רַבִּי יוֹסֵי הַגְּלִילִי; רַבִּי עֲקִיבָא אוֹמֵר: הַנָּשִׂיא חַיָּב בְּכוּלָּן חוּץ מִשְּׁמִיעַת הַקּוֹל, שֶׁהַמֶּלֶךְ לֹא דָן וְלֹא דָנִין אוֹתוֹ, [לֹא מֵעִיד וְלֹא מְעִידִין אוֹתוֹ].

MISHNA The court **is not liable for** issuing a ruling with regard to **hearing of a voice,**[HN] i.e., a false oath of testimony taken by a witness who refuses to testify on behalf of a litigant who demands that he testify, **or for an utterance of the lips,** i.e., a false oath stated about some matter, **or for the defiling of** the **Temple or its sacrificial** foods. **And the** status of the **king is like** that of the court,[HN] and he is exempt from bringing an offering in those cases; this is **the statement of Rabbi Yosei HaGelili. Rabbi Akiva says: The king is liable in all of** those cases **except for** the case of **hearing of a voice,** and even in that case, his exemption is not intrinsic to the mitzva. Rather, it is for technical reasons, **as the king neither judges**[H] others **nor** do others **judge him; he does not testify nor** do others **testify against him.** Therefore, a demand that he testify is not applicable.

גמ' אֲמַר עוּלָּא: מַאי טַעְמָא דְּרַבִּי יוֹסֵי הַגְּלִילִי? אָמַר קְרָא: "וְהָיָה כִּי יֶאְשַׁם לְאַחַת מֵאֵלֶּה", כָּל שֶׁמִּתְחַיֵּיב בְּאַחַת מִתְחַיֵּיב בְּכוּלָּן, וְשֶׁאֵין מִתְחַיֵּיב בְּאַחַת אֵין מִתְחַיֵּיב בְּכוּלָּן.

GEMARA **Ulla said: What is the reason** for the opinion **of Rabbi Yosei HaGelili?** It is as **the verse states** with regard to a sliding-scale offering: **"And it shall be when he shall be guilty of one of these matters"** (Leviticus 5:5), indicating that **anyone who becomes liable in** every **one** of the instances for which one brings a sliding-scale offering **becomes liable in all of** those instances; **and anyone who does not become liable in** every **one** of the instances to bring a sliding-scale offering **does not become liable in any of** those instances. Since the king is exempt from taking an oath of testimony, he is exempt in the other cases as well.

וְאֵימָא: מִתְחַיֵּיב בְּאַחַת מֵהֶן וְאַף עַל פִּי שֶׁאֵין מִתְחַיֵּיב בְּכוּלָּן!

The Gemara asks: Why say this? **And say** an alternative interpretation of the verse: **Anyone who becomes liable in** any **one of these** instances brings a sliding-scale offering, **and** this is the *halakha* **even though he does not become liable in all of them.**

אֶלָּא טַעְמָא דְּרַבִּי יוֹסֵי הַגְּלִילִי מֵהָכָא; דְּתַנְיָא, הָיָה רַבִּי יִרְמְיָה אוֹמֵר: נֶאֱמַר

Rather, the reason for the opinion **of Rabbi Yosei HaGelili is from here, as it is taught** in a *baraita* that **Rabbi Yirmeya would say: It is stated:**

BACKGROUND

Hearing of a voice – שְׁמִיעַת קוֹל: If one approaches a witness and asks him to testify in court on his behalf, the witness is obligated to testify. If he falsely denies knowledge of the relevant testimony and takes an oath to that effect, then when he admits that he took a false oath he is liable to bring a sliding-scale offering (see Leviticus 5:1). It is irrelevant whether he took the false oath intentionally or unwittingly.

Utterance of the lips – בִּיטּוּי שְׂפָתַיִם: The reference is to an oath one takes to reinforce his commitment or obligation or to confirm the veracity of an account that he related. In general, any oath unrelated to testimony or debt is included in this category. One who unwittingly violates this oath is liable to bring a sliding-scale offering.

Defiling of the Temple or its sacrificial foods – טוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו: It is prohibited by Torah law for a ritually impure person to eat consecrated food (see Leviticus 7:19–20) or to enter the Temple while ritually impure (see Numbers 19:20). If one deliberately violates either of these prohibitions, he is liable to receive *karet*. If he violates these prohibitions unwittingly, he is liable to bring a sliding-scale offering. There are three types of offerings brought for the sin-offering element of a sliding-scale offering. One who can afford it brings a sheep or goat. One who cannot afford to bring a sheep or goat brings two pigeons or doves. One who cannot afford even those brings a meal-offering.

There is a unique aspect to the inadvertent transgression of these mitzvot. Liability to bring this offering is in a case where before performing the transgression, one is aware of his impurity and of the sanctity of the Temple or the foods. He must then have a lapse of awareness of one of those elements during which he performs the transgression, after which he becomes aware of the fact that he violated the prohibition. If he was never aware of those elements before performing the transgression, even if thereafter he became aware of the transgression that he performed, he is not liable to bring an offering.

HALAKHA

They are not liable for issuing a ruling with regard to hearing of a voice – אֵין חַיָּבִין עַל שְׁמִיעַת קוֹל: A court is not liable to bring an offering for an erroneous ruling with regard to a transgression for whose unwitting violation one is not liable to bring a fixed sin-offering, e.g., a false oath of testimony, for whose violation one is liable to bring a sliding-scale offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:1).

The status of the king is like that of the court – הַנָּשִׂיא כַּיּוֹצֵא בָּהֶם: The king and the High Priest are liable to bring a sliding-scale offering for a false oath of testimony, a false oath on an utterance, or for defiling the Temple or its sacrificial foods, as their status is distinct only with regard to matters for whose unwitting violation one is liable to bring a fixed sin-offering, not a sliding-scale offering. With regard to the oath of testimony, apparently the Rambam is referring to kings from the house of David, who judge and testify (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 10:7, and see Ra'avad and *Kesef Mishne* there).

As the king neither judges, etc. – שֶׁהַמֶּלֶךְ לֹא דָן וכו': Kings of Israel do not judge, nor are they judged. They do not testify, nor do others testify in their regard. Kings of the house of David judge and give testimony (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 2:5 and *Hilkhot Melakhim UMilḥemoteihem* 3:7).

NOTES

Hearing of a voice, etc. – שְׁמִיעַת קוֹל וכו': The Torah states that atonement for violating these three mitzvot is accomplished by means of bringing a sliding-scale offering.

The status of the king is like that of the court – הַנָּשִׂיא כַּיּוֹצֵא בָּהֶם: He too does not bring a sliding-scale offering. With regard to an anointed priest, Rashi writes that his status is like that of the king, despite the fact that it was not mentioned in the mishna. Rabbeinu Yehonatan of Lunel cites a variant reading of the mishna: And likewise the anointed priest.

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״לֹא תַגִּיעַ יָדוֹ״, וְנֶאֱמַר ״לֹא תַשִּׂיג יָדוֹ״, מִי שֶׁבָּא לִידֵי עֲנִיּוּת וַעֲשִׁירוּת, יָצָא נָשִׂיא וּמָשִׁיחַ שֶׁאֵין בָּאִין לִידֵי עֲנִיּוּת.

“And if his means suffice not” (Leviticus 5:7), **and it is stated: “And if his means not suffice”** (Leviticus 5:11), indicating that the sliding-scale offering applies only to **one who can come to** a state of **poverty and wealth.** This serves to **exclude a king and an anointed** priest, **who cannot come to** a state of **poverty.**

נָשִׂיא – דִּכְתִיב: ״וְעָשָׂה אַחַת מִכָּל מִצְוֹת ה׳ אֱלֹהָיו״, מִי שֶׁאֵין עַל גַּבָּיו אֶלָּא ה׳ אֱלֹהָיו. מָשִׁיחַ – דִּכְתִיב: ״וְהַכֹּהֵן הַגָּדוֹל מֵאֶחָיו״, שֶׁהוּא גָּדוֹל מֵאֶחָיו בְּנוֹי בְּכֹחַ בְּחָכְמָה וּבְעוֹשֶׁר; אֲחֵרִים אוֹמְרִים: מִנַּיִן שֶׁאִם אֵין לוֹ, גְּדֵלֵהוּ מֵאֶחָיו? תַּלְמוּד לוֹמַר: ״וְהַכֹּהֵן הַגָּדוֹל מֵאֶחָיו אֲשֶׁר יוּצַק עַל רֹאשׁוֹ״, גְּדֵלֵהוּ מֵאֶחָיו.

The **king** cannot become poor, **as it is written** concerning him: **“And he performed one of all the mitzvot of the Lord his God”** (Leviticus 4:22), referring to the king as **one who has only the Lord his God upon him.** He is greater than the entire nation and is not a poor person dependent on others. **An anointed** priest cannot become poor, **as it is written: “And the priest that is greatest among his brethren”** (Leviticus 21:10), meaning **that he is greater than his brethren**[H] **in beauty, in power, in wisdom, and in wealth,** not a poor person. **Others say: From where** is it derived **that if** the High Priest **does not have** personal wealth, one should **make him great from** the property **of his brethren? The verse states: “And the priest that is greatest among his brethren upon whose head the anointing oil is poured”** (Leviticus 21:10), from which it is derived: **Make him great from** the property **of his brethren,** who will provide him with enough property to render him wealthy.

בָּעָא מִינֵּיהּ רָבִינָא מֵרַב נַחְמָן בַּר יִצְחָק: נָשִׂיא שֶׁנִּצְטָרַע, מַהוּ? מִידְּחָא דָּחֵי אוֹ מִיפַּטַר פְּטִיר? אֲמַר לֵיהּ: דִּילָךְ אוֹ דְּגַזָּא?

Ravina raised a dilemma before Rav Naḥman bar Yitzḥak: In the case of **a king who was afflicted with leprosy**[H] and unfit to serve as king during his affliction, **what is** his status with regard to the sliding-scale offering? Previously, during his reign, was **he** completely **eliminated** from the obligation to bring a sliding-scale offering to the extent that even now, when he is no longer king, he remains exempt? **Or** was he merely **exempted,** so that now that he is no longer king he is obligated to bring the offering? Rav Naḥman bar Yitzḥak **said to** Ravina: Does he bring the offering from **your** property, i.e., public property, **or** does he bring the offering **from** his personal **treasure** [***degazza***]**?**[NL] Since he obviously would bring the offering from his own personal treasure, he remains exempt from bringing the offering.

תַּנְיָא, רַבִּי עֲקִיבָא אוֹמֵר: מָשִׁיחַ פָּטוּר מִכּוּלָּן. אֲמַר רָבָא: מַאי טַעְמָא דְּרַבִּי עֲקִיבָא? אָמַר קְרָא: ״זֶה קָרְבַּן אַהֲרֹן וּבָנָיו״, זוֹ בָּאָה חוֹבָה לוֹ, וְאֵין אַחֶרֶת בָּאָה חוֹבָה לוֹ.

§ **It is taught** in a *baraita* that **Rabbi Akiva says: An anointed** priest **is exempt from** bringing an offering in **all** the cases where one is liable to bring a sliding-scale offering. **Rava said: What is the reason** for the opinion **of Rabbi Akiva?** It is as **the verse states: “This is the offering of Aaron and of his sons** that they shall offer unto the Lord on the day that he is anointed: One-tenth part of an ephah of fine flour as a meal-offering” (Leviticus 6:13). One can infer: It is **this** tenth of an ephah that **comes** as **an obligation for him, and no other** such offering **comes** as **an obligation for him.**

וְאֵימָא: כִּי מְמַעֵט לֵיהּ רַחֲמָנָא – מִדַּלִּי דַּלּוּת, וּמַאי נִיהוּ? עֲשִׂירִית הָאֵיפָה, אֲבָל עֲנִיּוּת וַעֲשִׁירוּת לָא מַמְעֵיט רַחֲמָנָא! לָא סָלְקָא דַּעְתָּךְ, דִּכְתִיב: ״וְכִפֶּר עָלָיו הַכֹּהֵן עַל חַטָּאתוֹ אֲשֶׁר חָטָא מֵאַחַת מֵאֵלֶּה״, הַמִּתְכַּפֵּר בְּאַחַת – מִתְכַּפֵּר בְּכוּלָּן, וְשֶׁאֵין מִתְכַּפֵּר בְּאַחַת – אֵין מִתְכַּפֵּר בְּכוּלָּן.

The Gemara asks: **But** why not **say** that **when the Merciful One excludes** an anointed priest, it is particularly **from** the type of sliding-scale offering brought due to **extreme poverty? And what is it?** The **one-tenth of an ephah**[B] meal-offering mentioned in the verse. **But the Merciful One did not exclude him** from the dove brought as a sliding-scale offering due to **poverty** and the sheep brought as a sliding-scale offering by one with **wealth.** The Gemara rejects this: That **should not enter your mind, as it is written** with regard to the sliding-scale offering: **“And the priest shall atone for him for his sin that he has committed from one of these”** (Leviticus 5:13), from which it is derived: **One who gains atonement with** every **one** of the types of a sliding-scale offering **gains atonement with any of** the types of the sliding-scale offering, **and one who** does **not gain atonement with** every **one** of the types of a sliding-scale offering does **not gain atonement with any of** the types of the sliding-scale offering.

HALAKHA

That he is greater than his brethren – שֶׁהוּא גָּדוֹל מֵאֶחָיו: The High Priest must be the greatest among his priestly brethren in terms of beauty, power, wisdom, and wealth. If he does not have means, each priest contributes to him from his own assets according to his means, until the High Priest becomes the wealthiest of them all (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 5:1).

A king who was afflicted with leprosy – נָשִׂיא שֶׁנִּצְטָרַע: If a king is afflicted with leprosy he steps down and assumes the status of a commoner (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:9).

NOTES

From your property or from his treasure – דִּילָךְ אוֹ דְּגַזָּא: Since he brings the offering from his own personal property, which remains his even when due to his leprosy he cannot rule, he is not impoverished (Rashi). The Ramah asserts: According to that explanation, after he is afflicted with leprosy, since public funds are no longer available to him, he is like any other wealthy person, who could at some point become poor. Therefore, he understands Rav Naḥman bar Yitzḥak’s question to mean that since a king afflicted with leprosy certainly brings the offering from his own property, he is like any other wealthy person and is liable to bring a sliding-scale offering. The Rosh cites this opinion and notes that the Gemara indicates otherwise. The *Ḥazon Ish* explains that even after the king is afflicted with leprosy, although he is no longer king, everyone remains obligated to treat him with deference and make him wealthy, just as one is obligated in certain respects to treat a dead king with deference. Therefore, the offering is brought from public funds and not from his personal property, and he does not come to a state of poverty.

LANGUAGE

Treasure [*gazza*] – גַּזָּא: From the Persian ganz, meaning treasure. A variation of this term, *ginzakh*, appears in the Bible (Jeremiah 48:7).

BACKGROUND

One-tenth of an ephah – עֲשִׂירִית הָאֵיפָה: The minimum measure of flour brought as a meal-offering is one-tenth of an ephah. Opinions with regard to the precise weight of one-tenth of an ephah range between 1.6 and 2.25 kg. The image depicts measures fashioned in modern times by the Temple Institute for measuring fractions of an ephah.

Reconstruction of measures used in the Temple, based on the ephah

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אֶלָּא מֵעַתָּה, דִּכְתִיב: ״וְהָיָה כִּי יֶאְשַׁם לְאַחַת מֵאֵלֶּה״, הָכִי נַמִּי דְּכָל הַמִּתְחַיֵּיב בְּאַחַת – מִתְחַיֵּיב בְּכוּלָּן, וְשֶׁאֵין מִתְחַיֵּיב בְּאַחַת – אֵין מִתְחַיֵּיב בְּכוּלָּן, אַלָּמָּה תָּנַן, רַבִּי עֲקִיבָא אוֹמֵר: נָשִׂיא חַיָּיב חוּץ מִשְּׁמִיעַת קוֹל!

The Gemara asks: **But if that is so,** and the verse is interpreted in that manner, then that **which is written** there: **"And it shall be when he shall be guilty of one of these matters"** (Leviticus 5:5), **so too** shall be interpreted: **Anyone who becomes liable in** every **one** of the instances for which one brings a sliding-scale offering **can become liable in any of** those instances, **and** anyone **who does not become liable in** every **one** of the instances to bring a sliding-scale offering **cannot become liable in any of** those instances. **Why,** then, did **we learn** in the mishna that **Rabbi Akiva says:** The **king is liable** in all of these cases **except for** the case of **hearing of a voice,** indicating that he can become liable in the rest of the instances even if he is exempt in one?

אַבַּיֵי וְרָבָא דְּאָמְרִי תַּרְוַיְיהוּ: ״מֵאַחַת״ מַשְׁמַע לֵיהּ, ״לְאַחַת״ לָא מַשְׁמַע לֵיהּ. וּמַאי שְׁנָא ״מֵאַחַת״ דְּמַשְׁמַע לֵיהּ?

Abaye and Rava both say to resolve this difficulty: Rabbi Akiva **learns** this inference from the term: **"From one"** (Leviticus 5:13). **He does not learn** anything from the term: **"Of one"** (Leviticus 5:5). The Gemara asks: **And what is different** about the term **"from one" that he learns** a *halakha* from it?

דְּכַתְבֵיהּ רַחֲמָנָא לְבַסּוֹף גַּבֵּי עֶשִׂירִית הָאֵיפָה, לְמֵימְרָא דְּכָל דְּמַחַיֵּיב בַּעֲשִׂירִית הָאֵיפָה מְחַיַּיב בְּכוּלָּן, דְּאִי סָלְקָא דַּעְתָּךְ מִתְחַיֵּיב בְּאַחַת אַף עַל פִּי שֶׁאֵין מִתְחַיֵּיב בְּכוּלָּן, נִכְתְּבֵיהּ לְהַאי ״מֵאַחַת מֵאֵלֶּה״ בְּדַלּוּת, אִי נַמִּי בַּעֲשִׁירוּת.

The Gemara answers: The difference is **that the Merciful One wrote it at the end** of the passage discussing the sliding-scale offering, **with regard to the one-tenth of an ephah** meal-offering, **to say that anyone who can become liable to bring the one-tenth of an ephah can become liable to** bring **any of them. As, if it enters your mind** to say that **one can become liable to** bring **one even though he cannot become liable to** bring **any** one **of them, let** the Torah **write this** phrase: **From one of these, with regard to** the offering brought due to **poverty,** or **alternatively, with regard to** the offering brought by one with **wealth.** Since this term does not appear with regard to one of the other offerings, apparently, it is specifically with regard to the offering brought due to extreme poverty that one who cannot become liable for that offering is exempt from the entire matter.

מתני׳ כָּל הַמִּצְוֹת שֶׁבַּתּוֹרָה שֶׁחַיָּיבִין עַל זְדוֹנָן כָּרֵת וְעַל שִׁגְגָתָן חַטָּאת – הַיָּחִיד מֵבִיא כִּשְׁבָּה וּשְׂעִירָה, וְהַנָּשִׂיא שָׂעִיר, וּמָשִׁיחַ וּבֵית דִּין מְבִיאִין פָּר; וּבַעֲבוֹדָה זָרָה – הַיָּחִיד וְהַנָּשִׂיא וְהַמָּשִׁיחַ מְבִיאִין שְׂעִירָה, וּבֵית דִּין פָּר וְשָׂעִיר, פָּר לְעוֹלָה וְשָׂעִיר לְחַטָּאת.

MISHNA In summation: **For all mitzvot that are in the Torah for whose intentional** violation one is **liable** to receive ***karet*** **and for whose unwitting** violation one is liable to bring **a sin-offering, the individual brings a ewe or female goat**[H] for their unwitting transgression, **and the king** brings **a male goat** for their unwitting transgression, **and an anointed** priest **and a court** who issued an erroneous ruling **bring a bull. And for** unwittingly engaging in **idol worship,**[H] **the individual, and the king, and the anointed** priest **bring a female goat, and the court** brings **a bull and a goat: A bull for a burnt-offering and a goat for a sin-offering.**

אָשָׁם תָּלוּי – הַיָּחִיד וְהַנָּשִׂיא חַיָּיבִין, וּמָשִׁיחַ וּבֵית דִּין פְּטוּרִין. אָשָׁם וַדַּאי – הַיָּחִיד וְהַנָּשִׂיא וְהַמָּשִׁיחַ חַיָּיבִין, וּבֵית דִּין פְּטוּרִין.

With regard to **a provisional guilt-offering,**[H] **the individual and the king are liable, and an anointed** priest **and a court are exempt.**[H] With regard to **a definite guilt-offering,**[HN] **the individual, the king, and the anointed** priest **are liable, and a court is exempt.**

עַל שְׁמִיעַת הַקּוֹל, וְעַל בִּטּוּי שְׂפָתַיִם, וְעַל טוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו – בֵּית דִּין פְּטוּרִין, וְהַיָּחִיד וְהַנָּשִׂיא וְהַמָּשִׁיחַ חַיָּיבִין, אֶלָּא שֶׁאֵין כֹּהֵן גָּדוֹל מָשִׁיחַ חַיָּיב עַל טוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו, דִּבְרֵי רַבִּי שִׁמְעוֹן. וּמַה הֵן מְבִיאִין? קָרְבַּן עוֹלָה וְיוֹרֵד; רַבִּי אֶלְעָזָר אוֹמֵר: הַנָּשִׂיא מֵבִיא שָׂעִיר.

For hearing of a voice, i.e., a false oath of testimony, **and for** a false oath on **an utterance of the lips, and for the defiling of** the **Temple or its sacrificial** foods, **a court is exempt, and the individual, the king, and the anointed** priest **are liable. But an anointed High Priest** is **not liable**[N] **for the defiling of** the **Temple or its sacrificial** foods; this is **the statement of Rabbi Shimon. And what** offering are **they** liable to **bring?** It is **a sliding-scale offering**[H] based on their financial circumstances, as delineated in the Torah (see Leviticus 5:1–13). **Rabbi Elazar says: The king brings a goat.**

HALAKHA

The individual brings a ewe or female goat – הַיָּחִיד מֵבִיא כִּשְׁבָּה וּשְׂעִירָה: If an individual unwittingly performs a transgression whose violation involves an action and for whose intentional violation one is liable to receive *karet*, he brings a fixed sin-offering, either a female goat or ewe. The king brings a goat. In a case where the court or a High Priest issues an erroneous ruling with regard to a prohibition of that kind, and the general public or the High Priest respectively perform the transgression on the basis of that ruling, the court or High Priest respectively bring a bull as a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 1:4).

For idol worship – בַּעֲבוֹדָה זָרָה: If an individual unwittingly engaged in idol worship, he brings a female goat less than one year old as a sin-offering, whether he is a commoner, a king, or a High Priest (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 1:4).

Provisional guilt-offering – אָשָׁם תָּלוּי: If one is uncertain whether he performed a transgression for whose unwitting violation one is liable to bring a fixed sin-offering, he brings a provisional guilt-offering. This is the *halakha* for both a commoner and a king. The High Priest does not bring a provisional guilt-offering in a case of uncertainty with regard to an erroneous ruling, because his status is like that of the general public (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:6).

Definite guilt-offering – אָשָׁם וַדַּאי: In terms of liability to bring a definite guilt-offering, there is no distinction between a king, the High Priest, or a commoner. The court and the general public are exempt from bringing a definite guilt-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 9:10).

A court with regard to a provisional guilt-offering – בֵּית דִּין בְּאָשָׁם תָּלוּי: If a court issued a ruling and the judges are uncertain whether they ruled correctly, they do not bring a provisional guilt-offering for a transgression performed by the general public based on that ruling (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 12:2).

Sliding-scale offering – קָרְבַּן עוֹלָה וְיוֹרֵד: Every individual, including a High Priest or king, is liable to bring a sliding-scale offering for a false oath of testimony, a false oath on an utterance, and defiling the Temple or its sacrificial foods (*Leḥem Mishne*). The Ra'avad rules in accordance with the opinion of Rabbi Shimon (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 10:7).

NOTES

Definite guilt-offering – אָשָׁם וַדַּאי: The court is exempt from bringing this offering because it is an individual offering, as it is written: "And if a soul" (Leviticus 5:1). Therefore, it is not applicable to a court. All individuals, even a king and a High Priest, are liable.

An anointed…priest is not liable, etc. – אֵין כֹּהֵן…מָשִׁיחַ חַיָּיב וכו׳: Likewise, Rabbi Shimon holds, as is clear from his statements in the *baraita*, that the king is not liable for taking a false oath of testimony. This is not mentioned explicitly in the mishna because it was already stated by Rabbi Akiva, who was Rabbi Shimon's teacher.

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גמ׳ תַּנְיָא, רַבִּי שִׁמְעוֹן הָיָה נוֹתֵן כְּלָל: כָּל שֶׁהַיָּחִיד בְּאָשָׁם תָּלוּי – הַנָּשִׂיא כַּיּוֹצֵא בּוֹ, מָשִׁיחַ וּבֵית דִּין פְּטוּרִין; וְכָל שֶׁהוּא בְּאָשָׁם וַדַּאי – נָשִׂיא וּמָשִׁיחַ כַּיּוֹצֵא בָּהֶן, וּבֵית דִּין פְּטוּרִין;

GEMARA **It is taught** in a *baraita* that **Rabbi Shimon would posit a principle:** For **any** case in **which the individual** is liable **to** bring **a provisional guilt-offering,** the status of **the king** is **like** that of the individual, **and an anointed** priest **and a court are exempt. And** for **any** case in **which** an individual is liable **to** bring **a definite guilt-offering,** the status of **a king and an anointed** priest is **like** that of the individual, **and** the **court is exempt.**

שִׁמְיעַת הַקּוֹל, וּבְטוּי שְׂפָתַיִם, וְטוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו – בֵּית דִּין פְּטוּרִין, נָשִׂיא וּמָשִׁיחַ חַיָּבִין, אֶלָּא שֶׁאֵין הַנָּשִׂיא חַיָּיב בִּשְׁמִיעַת הַקּוֹל, וְלֹא מָשִׁיחַ בְּטוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו; כָּל שֶׁהוּא בְּעוֹלָה וְיוֹרֵד – נָשִׂיא כַּיּוֹצֵא בּוֹ, מָשִׁיחַ וּבֵית דִּין פְּטוּרִין.

He continues: For **hearing of a voice,** i.e., a false oath of testimony, **and** for a false oath on **an utterance of the lips, and** for **the defiling of** the **Temple or its sacrificial** foods, **a court is exempt, and a king and an anointed** priest **are liable. But the king is not liable in** a case of **hearing of a voice, and an anointed** priest is not liable **for the defiling of** the **Temple or its sacrificial** foods. In general, for **any** case for **which** an individual is liable **to** bring **a sliding-scale** offering, the status of **a king is like** that of the individual, **and an anointed** priest **and a court are exempt.**

הָא גּוּפָא קַשְׁיָא, אָמַרְתָּ: שֶׁאֵין מָשִׁיחַ חַיָּיב בְּטוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו, בְּטוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו הוּא דְּפָטוּר, אֲבָל בִּשְׁמִיעַת הַקּוֹל וּבְטוּי שְׂפָתַיִם חַיָּיב; אֵימָא סֵיפָא: כָּל שֶׁהוּא בְּעוֹלָה וְיוֹרֵד – נָשִׂיא כַּיּוֹצֵא בּוֹ, מָשִׁיחַ וּבֵית דִּין פְּטוּרִין, קָתָנֵי מָשִׁיחַ וּבֵית דִּין פְּטוּרִין, מַה בֵּית דִּין פְּטוּרִין מִכּוּלְּהוֹן, אַף מָשִׁיחַ פָּטוּר מִכּוּלְּהוֹן,

The Gemara expresses surprise: **This** *baraita* **itself** is **difficult. You said that an anointed** priest is **not liable for the defiling of** the **Temple or its sacrificial** foods, and by inference: **It is for the defiling of** the **Temple or its sacrificial** foods **that he is exempt, but** he is **liable for hearing of a voice and** for **a statement of the lips. Say the latter clause** of the *baraita*: For **any** case for **which** an individual is liable **to** bring **a sliding-scale** offering, the status of **a king** is **like** that of the individual, **and an anointed** priest **and a court are exempt. He teaches: An anointed priest and a court are exempt; just as a court is exempt from all of** the sliding-scale offerings, **so too, an anointed priest is exempt from all of them,** not only from the offering for the defiling of the Temple or its sacrificial foods.

Perek **II**
Daf **9** Amud **b**

קַשְׁיָין אַהֲדָדֵי!

If so, these two passages are **difficult,** as they contradict **one another.**

אֲמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ, לָא קַשְׁיָא: כָּאן בְּדַלּוּת, כָּאן בְּדַלֵּי דַּלּוּת, וְרַבִּי שִׁמְעוֹן סָבַר לָהּ כְּרַבִּי עֲקִיבָא בַּחֲדָא וּפָלֵיג עֲלֵיהּ בַּחֲדָא, סָבַר לָהּ כְּרַבִּי עֲקִיבָא בְּדַלֵּי דַּלּוּת דְּפָטוּר, וּפָלֵיג עֲלֵיהּ בְּדַלּוּת.

Rav Huna, son of Rav Yehoshua, said: This is **not difficult,** as there is a distinction between the rulings. **Here,** in the passage that deems the anointed priest liable in cases other than the defiling the Temple, it is **in** the case of an offering brought due to **poverty,** whereas **there,** in the latter clause, it is **in** the case of an offering brought due to **extreme poverty. And Rabbi Shimon holds in accordance with** the opinion of **Rabbi Akiva with regard to one** *halakha* **and disagrees with him with regard to one** other *halakha*. **He holds in accordance with** the opinion of **Rabbi Akiva in** the case of **extreme poverty**[N] **that** the anointed priest is **exempt** from bringing that meal-offering. **And he disagrees with** Rabbi Akiva **in** the case of **poverty,**[N] as he does not hold that the anointed priest is completely exempt from bringing a sliding-scale offering.

״אֲבָל שֶׁאֵין כֹּהֵן גָּדוֹל חַיָּיב״ כּוּ׳. אֲמַר חִזְקִיָּה: מַאי טַעְמָא דְּרַבִּי שִׁמְעוֹן? דִּכְתִיב: ״וְנִכְרְתָה הַנֶּפֶשׁ הַהִיא מִתּוֹךְ הַקָּהָל״, מִי שֶׁקָּרְבָּנוֹ שָׁוֶה לַקָּהָל, יָצָא זֶה שֶׁאֵין קָרְבָּנוֹ שָׁוֶה לַקָּהָל.

§ The mishna teaches that Rabbi Shimon says: **But** an anointed **High Priest is not liable** for the defiling of the Temple or its sacrificial foods. **Ḥizkiyya said: What is the reason** for the opinion **of Rabbi Shimon?** It is **as it is written** with regard to one who becomes ritually impure and enters the Temple: "And a man who shall be impure, and shall not be purified, **that soul shall be excised** [***venikhreta***] **from the midst of the congregation,** because he has defiled the Sanctuary of the Lord; the water of sprinkling has not been sprinkled on him: He is impure" (Numbers 19:20). It is derived from this verse that this *halakha* applies specifically to **one whose offering equals** the offering **of the congregation,** i.e., the Jewish people. This serves to **exclude** the High Priest, **as his offering does not equal** the offering **of the congregation,** as on Yom Kippur he brings a bull for his unwitting transgression, while he brings a goat to achieve atonement for the Jewish people.

NOTES

He holds in accordance with Rabbi Akiva in the case of extreme poverty – סָבַר לָהּ כְּרַבִּי עֲקִיבָא בְּדַלֵּי דַּלּוּת: He accepts the derivation of Rabbi Akiva that the only meal-offering that the High Priest is obligated to bring is the griddle-cake offering of the High Priest, which he brings every day. He is exempt from every other obligatory meal-offering, including the meal-offering of extreme poverty.

And he disagrees with Rabbi Akiva in the case of poverty – וּפָלֵיג עֲלֵיהּ בְּדַלּוּת: He does not accept Rabbi Akiva's opinion that one who is exempt from the offering associated with extreme poverty is completely exempt from the sliding-scale offering.

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אִם כֵּן, נָשִׂיא נַמִּי אֵין קָרְבָּנוֹ שָׁוֶה לַקָּהָל! שָׁוֶה בְּכַפָּרָה דְּיוֹם הַכִּיפּוּרִים. אִם כֵּן, כֹּהֲנִים נַמִּי לָא שָׁוּו לַקָּהָל בְּכַפָּרָה דְּיוֹם הַכִּיפּוּרִים! כֹּהֲנִים שָׁוּו לַקָּהָל בִּשְׁאָר מִצְוֹת דְּשָׁנָה כּוּלָּהּ.

The Gemara asks: **If so, a king too,** should be exempt, as **his offering does not equal** the offering **of the congregation,** as he brings a goat. The Gemara answers: Even so, the king **equals** the congregation **in the atonement of Yom Kippur,**[N] as his atonement is achieved by means of the same offerings through which the rest of the congregation achieves atonement. The Gemara asks: **If so, priests too** should be exempt from bringing the offering for the defiling of the Temple, as they **do not equal the congregation in the atonement of Yom Kippur,** as their atonement is achieved by means of the bull of the High Priest. The Gemara answers: **Priests equal the congregation with regard to** atonement for **the rest of the mitzvot of the entire year.**

מָשִׁיחַ נַמִּי הָא שָׁוֶה בִּשְׁאָר מִצְוֹת דְּשָׁנָה! אֶלָּא אֲמַר רָבָא, אֵימָא הָכִי: מִי שֶׁחַטָּאתוֹ שָׁוֶה לִיחִידִים, וּמַאי נִיהוּ – קָהָל.

The Gemara challenges: The **anointed priest, too, equals** the congregation **with regard to** atonement for **the rest of the mitzvot of the** entire **year.**[N] **Rather, Rava said: Say this: One whose sin-offering equals** that of **individuals. And who are** these individuals? They are the **congregation.** The status of a congregation that performed an unwitting transgression not on the basis of the ruling of the court is that of individuals. The High Priest's sin-offering is different, as he brings a sin-offering only for an unwitting transgression he performed on the basis of his own ruling.

״רַבִּי אֱלִיעֶזֶר אוֹמֵר: הַנָּשִׂיא מֵבִיא שָׂעִיר״ וכו׳. אָמַר רַבִּי יוֹחָנָן: לֹא אָמַר רַבִּי אֱלִיעֶזֶר אֶלָּא בְּטוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו, הוֹאִיל וְנֶאֱמַר בָּהֶן כָּרֵת בּוֹ כְּבִקְבּוּעָה.

§ The mishna teaches that **Rabbi Eliezer says: The king brings a goat,** and not a sliding-scale offering. **Rabbi Yoḥanan says: Rabbi Eliezer stated** his opinion **only with regard to the defiling of** the **Temple or its sacrificial** foods, **since *karet* is stated concerning it, as** it is stated **in** all matters where there is liability to bring **a fixed** sin-offering. Just as the king brings a goat as a sin-offering for any unwitting transgression for whose intentional violation one is liable to receive *karet*, so too, he brings a goat for the defiling of the Temple. For other unwitting transgressions for which one is liable to bring a sliding-scale offering and for whose intentional violation one is not liable to receive *karet*, the king is also liable to bring a sliding-scale offering.

אָמַר רַב פַּפָּא: הָכִי נַמִּי מִסְתַּבְּרָא, דְּאִי סָלְקָא דַּעְתָּךְ רַבִּי אֱלִיעֶזֶר עַל כּוּלְּהוֹן קָאָמַר, מִכְּדֵי שָׂעִיר נָשִׂיא וּפַר מָשִׁיחַ בִּמְקוֹם יָחִיד לְחַטָּאת קָאֵי, נִיתְנֵי נַמִּי: מָשִׁיחַ מֵבִיא פָּר בִּשְׁמִיעַת קוֹל וּבְטוּי שְׂפָתַיִם, אֶלָּא מִדְּלָא קָתָנֵי מָשִׁיחַ, שְׁמַע מִינָּהּ אַטּוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו קָאֵי, דְּמָשִׁיחַ פָּטוּר.

Rav Pappa said: So too, it is reasonable, as if it enters your mind to say that **Rabbi Eliezer says** that the king brings a goat **for all** of the transgressions enumerated in the mishna, and the king brings a goat in cases where individuals bring a sliding-scale offering, then **since the goat of a king and the bull of an anointed** priest **stand in place of** liability of **an individual to** bring **a sin-offering, let** Rabbi Eliezer **also teach: An anointed** priest **brings a bull for hearing of a voice and** for **an utterance of the lips. Rather, from** the fact **that** Rabbi Eliezer **does not teach** this *halakha* with regard to **an anointed** priest, **learn from it** that his statement that the king brings a goat **stands** in reference only **to the defiling of** the **Temple or its sacrificial** foods, with regard to **which an anointed** priest is **exempt,** in accordance with the opinion of Rabbi Shimon.

NOTES

Equals that of the assembly in the atonement of Yom Kippur – שָׁוֶה בְּכַפָּרָה דְּיוֹם הַכִּיפּוּרִים: The king achieves atonement together with the rest of the Jewish people by means of the goat of Yom Kippur. He, unlike the High Priest, brings no separate offering of his own on Yom Kippur.

The anointed priest too…atonement for the rest of the mitzvot of the year – מָשִׁיחַ נַמִּי...בִּשְׁאָר מִצְוֹת דְּשָׁנָה: For the rest of the mitzvot of the entire year, if the High Priest sinned with the rest of the general public on the basis of the ruling of the court, he achieves atonement together with the rest of the general public. Others explain that just as the general public achieves atonement by means of a bull for a transgression performed on the basis of the erroneous ruling of the court, the High Priest brings a bull for a transgression he performed on the basis of his own erroneous ruling.

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אָמַר לֵיהּ רַב הוּנָא בְּרֵיהּ דְּרַב נָתָן לְרַב פַּפָּא: מִמַּאי? דִּלְמָא רַבִּי אֱלִיעֶזֶר אַכּוּלְּהוֹן קָאֵי, וּבְמָשִׁיחַ סָבַר לָהּ כְּרַבִּי עֲקִיבָא, דְּאָמַר: מָשִׁיחַ פָּטוּר בְּכוּלָּן! אָמַר לֵיהּ: וְרַבִּי עֲקִיבָא מִי פָּטַר לֵיהּ מִפָּר? וְתוּ לָא מִידֵּי.

Rav Huna, son of Rav Natan, said to Rav Pappa: From where do you prove this? **Perhaps** the statement of **Rabbi Eliezer stands** in reference **to all of them.**[N] **And with regard to an anointed** priest, **he holds in accordance with** the opinion of **Rabbi Akiva, who says: An anointed** priest **is exempt from all of** the cases where one is liable to bring a sliding-scale offering. Rav Pappa **said to him: And Rabbi Akiva, does he exempt** an anointed priest **from** bringing **a bull?** Rabbi Akiva exempted him only from bringing a sliding-scale offering, but he holds that the High Priest is liable to bring the offering unique to him, the bull for an unwitting transgression he performed on the basis of his own erroneous ruling. **And nothing more** need be discussed.

אָמַר רַבִּי יוֹחָנָן: מוֹדֶה רַבִּי אֱלִיעֶזֶר שֶׁאֵין מֵבִיא אָשָׁם. תָּנֵי תַּנָּא קַמֵּיהּ דְּרַב שֵׁשֶׁת: אָשָׁם תָּלוּי בָּא עַל טוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו. אֲמַר לֵיהּ: דַּאֲמַר לָךְ מַנִּי? רַבִּי אֱלִיעֶזֶר הִיא, דַּאֲמַר: הוֹאִיל וְנֶאֱמַר בּוֹ כָּרֵת כְּבִקְבּוּעָה מַיְיתֵי נָשִׂיא שָׂעִיר עָלֶיהָ, וְהָאֲמַר רַבִּי יוֹחָנָן: מוֹדֶה רַבִּי אֱלִיעֶזֶר שֶׁאֵין מֵבִיא אָשָׁם תָּלוּי! קַשְׁיָא.

Rabbi Yoḥanan said: Rabbi Eliezer concedes that a king **does not bring a guilt-offering**[N] for the defiling of the Temple or its sacrificial foods. **The *tanna*** who recited *mishnayot* and *baraitot* in the study hall **recited** a *baraita* **before Rav Sheshet:** In the case of a king, **a provisional guilt-offering comes for the defiling of** the **Temple or its sacrificial** foods. Rav Sheshet **said to him: Who said** this **to you?**[N] **Is it Rabbi Eliezer, who said: Since *karet* is stated in its** regard **as** it is stated **in** all matters where there is liability to bring **a fixed** sin-offering, **a king brings a goat for** the defiling of the Temple? Since the status of his offering is like that of a fixed sin-offering, in cases of uncertainty, he is liable to bring a provisional guilt-offering. Rav Sheshet asks: **But didn't Rabbi Yoḥanan say: Rabbi Eliezer concedes that** a king **does not bring** a provisional **guilt-offering?** The Gemara concludes: Indeed, based on the statement of Rabbi Yoḥanan, the *baraita* is **difficult.**

הדרן עליך הורה כהן משיח

NOTES

Perhaps the statement of Rabbi Eliezer stands in reference to all of them – דִּלְמָא רַבִּי אֱלִיעֶזֶר אַכּוּלְּהוֹן קָאֵי: With regard to all transgressions for which one is liable to bring a sliding-scale offering, even the king is liable, as Rabbi Eliezer does not accept the opinion of Rabbi Yosei HaGelili (8b) that a king is exempt from all of them. The reason that he did not mention that the anointed priest is liable to bring a bull in all of these cases is that he holds in accordance with the opinion of Rabbi Akiva that an anointed priest is exempt from a sliding-scale offering in all circumstances.

A king does not bring a guilt-offering – אֵין מֵבִיא אָשָׁם: Although Rabbi Yoḥanan uses the term: Guilt-offering, without specifying, the reference is to a provisional guilt-offering. The king does not bring a provisional guilt-offering, because one brings a provisional guilt-offering only for uncertainty with regard to a transgression for whose unwitting violation one is liable to bring a fixed sin-offering, whereas an individual brings a sliding-scale offering in these cases (Rashi). Although a king is liable to bring a goat for unwitting violation of those prohibitions, the *halakha* of a provisional guilt-offering is stated with regard to the general public, and the king is no different in this regard.

Who said this to you – דַּאֲמַר לָךְ מַנִּי: This *baraita* can be interpreted only in accordance with the opinion of Rabbi Eliezer. Since with regard to a king he deems defiling the Temple or its sacrificial foods as though there is liability to bring a fixed sin-offering, conceivably, he could hold the same with regard to the king bringing a provisional guilt-offering.

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Summary of **Perek II**

After discussing the liability for unwitting transgressions performed by a High Priest or a king, the Gemara concludes that the *halakha* of a High Priest is like that of the general public. Therefore, he is liable to bring his unique sin-offering only when he issued an erroneous ruling and performed a transgression on the basis of that ruling. The Gemara clarifies that his ruling is significant only if he was a prominent Torah scholar, qualified to issue rulings on his own.

Because the *halakha* of the High Priest is like that of the general public, if he performs an unwitting transgression that is not based on his erroneous ruling, he does not bring an offering at all. For the same reason, he does not bring a provisional guilt-offering in the case of uncertainty with regard to his unwitting transgression. He brings a sliding-scale offering and a definite guilt-offering in circumstances that would warrant these offerings in the case of an individual. Similarly, if he unwittingly engaged in idol worship on the basis of his ruling, he brings a female goat as a sin-offering, like an individual does.

By contrast, the *halakha* of the king is like that of an individual. He brings a sin-offering for performance of an unwitting transgression, and for unwittingly engaging in idol worship he brings a female goat as a sin-offering, as an individual does. The king's status is unique in that he brings a male goat, rather than a ewe or a female goat, as a sin-offering for other transgressions.

The court does not bring a provisional guilt-offering for uncertainty with regard to an erroneous ruling, and likewise, there is no obligation for a court to bring a definite guilt-offering, as that obligation is incumbent only upon an individual.

With regard to the prohibitions for which the court is liable to bring a sin-offering, the Gemara concludes that the court brings a bull for an unwitting communal sin and a bull and a goat for unwitting idol worship, but only for a ruling with regard to a prohibition for whose intentional violation one is liable to receive *karet* and for whose unwitting violation one is liable to bring a sin-offering. Therefore, the court is exempt for a ruling with regard to a prohibition for whose violation one is liable to bring a sliding-scale offering. This is in addition to the criterion mentioned in the previous chapter, that the court and the High Priest are liable only when they issued a ruling to abolish part of a mitzva and to sustain part of a mitzva. The same is true for the sin-offering of a king and an individual; they are liable to bring a fixed sin-offering only for a prohibition for whose intentional violation one is liable to receive *karet*.

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Introduction to **Perek III**

If the anointed priest shall sin so as to bring guilt upon the people, then let him offer for his sin that he has sinned a young bullock without blemish unto the Lord for a sin-offering.

(Leviticus 4:3)

When a king sins, and he unwittingly performs one of all the mitzvot of the Lord his God that are not to be performed, and he is guilty.

(Leviticus 4:22)

And the priest who is greatest among his brethren, upon whose head the anointing oil is poured, and who is consecrated to don the garments, shall not let the hair of his head go loose, nor rend his garments; neither shall he come to any dead body, nor defile himself for his father, or for his mother; neither shall he go out of the Sanctuary, nor profane the Sanctuary of his God; for the consecration of the anointing oil of his God is upon him; I am the Lord. And he shall take a wife in her virginity. A widow, or a divorcée, or a profaned woman, or a harlot, these shall he not take; but a virgin of his own people shall he take as a wife.

(Leviticus 21:10–14)

In the previous chapter, two special personalities, the High Priest and the king, were examined. This chapter will begin with an analysis of the definitions of each of these positions: Who is considered a High Priest with regard to these *halakhot*, and who is considered a king? In addition, the question will be raised: Is it their appointment to these lofty positions that accords them their elevated personal status, or is this status dependent upon their service in those positions in practice? A related question is: Are they liable to bring their unique offerings for unwitting transgressions they performed only while they were serving in those positions, or even for unwitting transgressions they performed beforehand and afterward?

Clarification of these matters with regard to an anointed High Priest, a High Priest consecrated by donning multiple garments, a former High Priest, and a priest anointed for war will lead to a more general discussion of other halakhic differences between various similar positions.

While clarifying the differences in the halakhic obligations incumbent upon various position holders, the chapter will expand the discussion to questions of precedence in different areas with regard to these and other Jews. In many areas it is necessary to establish a hierarchy of precedence concerning the deference due various individuals, or concerning providing assistance to people in need when it is not possible to assist them all. In order to construct an organized system of precedence, the personal status of the individual is taken into consideration, beyond the status accorded him by his position or lineage.

These topics will constitute the primary focus of this chapter. The discussion of these topics will lead to discussions of the *halakhot* of the anointment of priests and kings, the *halakhot* and customs of deference, and the matter of appointments to positions in general.

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מתני׳ כֹּהֵן מָשִׁיחַ שֶׁחָטָא וְאַחַר כָּךְ עָבַר מִמְּשִׁיחוּתוֹ, וְכֵן נָשִׂיא שֶׁחָטָא וְאַחַר כָּךְ עָבַר מִגְּדוּלָּתוֹ – כֹּהֵן מָשִׁיחַ מֵבִיא פָּר, וְהַנָּשִׂיא מֵבִיא שָׂעִיר. מָשִׁיחַ שֶׁעָבַר מִמְּשִׁיחוּתוֹ, וְאַחַר כָּךְ חָטָא, וְכֵן הַנָּשִׂיא שֶׁעָבַר מִגְּדוּלָּתוֹ וְאַחַר כָּךְ חָטָא – כֹּהֵן מָשִׁיחַ מֵבִיא פָּר, וְהַנָּשִׂיא כְּהֶדְיוֹט.

MISHNA In the case of **an anointed priest who sinned** on the basis of his own erroneous halakhic ruling **and thereafter moved on from his anointment,**[H] e.g., if he was disqualified due to a blemish that befell him before he brought his sin-offering, **and likewise** in the case of **a king** [*nasi*] **who sinned and thereafter moved on from his prominence** before he had brought an offering, **an anointed priest brings a bull** despite the fact that he is no longer the High Priest, **and the king brings a goat,** as he would have done during his reign. In the case of **an anointed** priest **who moved on from his anointment and thereafter sinned, and likewise the king who moved on from his prominence**[H] **and thereafter sinned, an anointed priest brings a bull,**[N] which he would have brought while he was High Priest, **and the** status of the **king** is **like** that of **a commoner** [*kehedyot*].[L]

גמ׳ הָשְׁתָּא יֵשׁ לוֹמַר: עָבַר מִמְּשִׁיחוּתוֹ

GEMARA The Gemara questions the formulation of the mishna: **Now it can be said:** An anointed priest **who moved on from his anointment**

HALAKHA

An anointed priest who sinned and thereafter moved on from his anointment – כֹּהֵן מָשִׁיחַ שֶׁחָטָא וְאַחַר כָּךְ עָבַר מִמְּשִׁיחוּתוֹ: If an anointed priest performed a transgression on the basis of his own erroneous ruling and then stepped down due to a blemish, old age, or another reason, he brings a bull as his sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:7).

The king who moved on from his prominence – הַנָּשִׂיא שֶׁעָבַר מִגְּדוּלָּתוֹ: If a king sinned unwittingly and was then removed from his position, he brings a goat as a sin-offering. If he sinned after he was removed from office, he brings the offering of a commoner (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:9).

LANGUAGE

Commoner [*hedyot*] – הֶדְיוֹט: From the Greek ἰδιώτης, *idiotēs*. Its basic meaning is an ordinary person who does not hold any office. In the Talmud this word appears in titles, e.g., *kohen hedyot*, an ordinary priest, in contrast to the High Priest. It is also used as the general term for a commoner, in contrast to a king, and in reference to the property of an individual, in contrast to the property of the Temple treasury.

NOTES

An anointed priest brings a bull – כֹּהֵן מָשִׁיחַ מֵבִיא פָּר: Because the High Priest retains his sacred status even after he is no longer the High Priest, the mitzvot incumbent upon the High Priest remain incumbent upon him. That is not so with regard to the king, who retains his royal status only as long as he is filling that position.

וְאַחַר כָּךְ חָטָא מֵבִיא פָּר, חָטָא וְאַחַר כָּךְ עָבַר מִמְּשִׁיחוּתוֹ צְרִיכָא לְמֵימַר? מִשּׁוּם דְּקָתָנֵי גַּבֵּי נָשִׂיא, דְּכִי עָבַר מִנְּשִׂיאוּתוֹ וְאַחַר כָּךְ חָטָא כְּהֶדְיוֹט מַיְיתֵי, אֲהָכִי תָּנֵי גַּבֵּי מָשִׁיחַ: [חָטָא וְאַחַר כָּךְ עָבַר] מֵבִיא פָּר.

and thereafter sinned brings a bull. Does the case of one who **sinned and thereafter moved on from his anointment need to be said?** It is obvious that he is liable to bring a bull. The Gemara answers: **Due to** the fact **that** the *tanna* **teaches** the *halakha* **with regard to a king, that when he moved on from his sovereignty and thereafter sinned he brings.** an offering **like** that of **a commoner; therefore, he teaches** the corresponding *halakha* **with regard to an anointed** priest: If **he sinned and thereafter moved on** from his priesthood, **he brings a bull.**

מְנָא הָנֵי מִילֵּי? דְּתָנוּ רַבָּנַן: ״וְהִקְרִיב עַל חַטָּאתוֹ״, מְלַמֵּד שֶׁמֵּבִיא חַטָּאתוֹ מִשֶּׁעָבַר,

§ With regard to the statement in the mishna concerning an anointed priest who sinned after he was removed from his position, the Gemara asks: **From where are these matters** derived? The Gemara answers: It is **as the Sages taught:** It is written with regard to the High Priest: **"And he shall sacrifice for his sin** [*ḥattato*] that he sinned" (Leviticus 4:3); this **teaches that he brings his sin-offering** [*ḥattato*] even **after he has moved on** from his priesthood.

שֶׁיָּכוֹל וַהֲלֹא דִּין הוּא: וּמַה נָּשִׂיא שֶׁמֵּבִיא בִּשְׁגִגַת מַעֲשֶׂה – אֵין מֵבִיא חַטָּאתוֹ מִשֶּׁעָבַר, מָשִׁיחַ שֶׁאֵין מֵבִיא בִּשְׁגִגַת מַעֲשֶׂה אֶלָּא עַל הֶעְלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה – [לֹא] כָּל שֶׁכֵּן! תַּלְמוּד לוֹמַר: ״וְהִקְרִיב עַל חַטָּאתוֹ״ – מְלַמֵּד שֶׁמֵּבִיא עַל חַטָּאתוֹ מִשֶּׁעָבַר.

This derivation is necessary, as one **might** have thought: **Could this not** be derived through an *a fortiori* **inference? And if a king, who brings** a goat as his sin-offering **for the unwitting** performance **of an action, does not bring** a goat as **his sin-offering from** the moment **that he has moved on** from his sovereignty, **an anointed** priest, **who does not bring** a sin-offering **for the unwitting** performance **of an action** alone; **rather,** he is liable **only for absence** of awareness **of the matter** by the court together **with unwitting** performance **of an action,** is it **not all the more so** that he will not bring a bull for his sin-offering once he has moved on from the High Priesthood? Therefore, **the verse states: "And he shall sacrifice for his sin** [*ḥattato*] that he sinned"; this **teaches that he brings his sin-offering** [*ḥattato*] even **after he has moved on** from his priesthood.

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וְנֵיתֵי נַמִי נָשִׂיא מִקַּל וָחוֹמֶר: וּמַה מָּשִׁיחַ שֶׁאֵין מֵבִיא בִּשְׁגִגַת מַעֲשֶׂה – מֵבִיא חַטָּאת מְשֻׁעָבַר, נָשִׂיא שֶׁמֵּבִיא חַטָּאת בִּשְׁגִגַת מַעֲשֶׂה – אֵינוֹ דִּין שֶׁמֵּבִיא חַטָּאתוֹ מְשֻׁעָבַר! תַּלְמוּד לוֹמַר: "אֲשֶׁר נָשִׂיא יֶחֱטָא", כְּשֶׁהוּא נָשִׂיא אִין, כְּשֶׁהוּא הֶדְיוֹט לֹא.

The Gemara asks: **And let a king** who is no longer king, **too, bring** a goat as a sin-offering **based on an *a fortiori*** inference: **And if an anointed** priest, **who does not bring** an offering **for the unwitting** performance **of an action, brings a sin-offering after he has moved on** from the priesthood, then with regard to **a king, who brings a sin-offering for the unwitting** performance **of an action, is it not logical that he** still **brings his sin-offering once he has moved on** from his sovereignty? To counter this, **the verse states:** "**When a king sins**" (Leviticus 4:22), from which it is derived: If he sins **when he is king, yes,** he brings his sin-offering; if he sins **when he is a commoner, no,** he does not bring his sin-offering.

מתני׳ חָטְאוּ עַד שֶׁלֹּא נִתְמַנּוּ וְאַחַר כָּךְ נִתְמַנּוּ – הֲרֵי אֵלּוּ כְּהֶדְיוֹטוֹת; רַבִּי שִׁמְעוֹן אוֹמֵר: אִם נוֹדַע לָהֶם עַד שֶׁלֹּא נִתְמַנּוּ – חַיָּיבִים, וּמִשֶּׁנִּתְמַנּוּ – פְּטוּרִים.

MISHNA If a king or High Priest **sinned before they were appointed,**[H] **and thereafter they were appointed,** the status of **these** people is **like** that of **commoners;** they bring the sin-offering of an individual. **Rabbi Shimon says: If it became known to them, before they were appointed** as king or High Priest, that they had sinned, **they are liable** to bring the sin-offering of an individual, **but** if it became known to them **after they were appointed** as king or High Priest **they are** completely **exempt.**

אֵיזֶהוּ נָשִׂיא? זֶה מֶלֶךְ, שֶׁנֶּאֱמַר: "מִכָּל מִצְוֹת ה' אֱלֹהָיו", שֶׁאֵין עַל גַּבָּיו אֶלָּא ה' אֱלֹהָיו.

Who is the ***nasi*? This is a king, as it is stated:** "When a *nasi* sins, and performs any one **of all the mitzvot of the Lord his God** that shall not be performed, unwittingly, and he is guilty" (Leviticus 4:22), referring to one **who has only the Lord his God over him** and no other authority. That is only the king.

גמ׳ מְנָא הָנֵי מִילֵּי? דְּתָנוּ רַבָּנַן: "אִם הַכֹּהֵן הַמָּשִׁיחַ יֶחֱטָא לְאַשְׁמַת" – פָּרָט לַקּוֹדְמוֹת,

GEMARA The mishna teaches: If a king or High Priest sinned before they were appointed, and thereafter they were appointed, the status of these people is like that of commoners. The Gemara asks: **From where are these matters** derived? The Gemara answers: It is **as the Sages taught** with regard to the verse: "**If the anointed priest shall sin to bring guilt**" (Leviticus 4:3); this serves to **exclude the** unwitting transgressions he performed **prior** to his installation as High Priest.

יָכוֹל וַהֲלֹא דִּין הוּא: וּמַה נָּשִׂיא שֶׁמֵּבִיא בִּשְׁגִגַת מַעֲשֶׂה – אֵין מֵבִיא עַל הַקּוֹדְמוֹת, מָשִׁיחַ שֶׁאֵין מֵבִיא אֶלָּא עַל הָעֲלֵם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה – אֵינוֹ דִּין שֶׁלֹּא יָבִיא עַל הַקּוֹדְמוֹת!

As one **might** have thought: **Could this not** be derived through an *a fortiori* **inference? And if a king, who brings** a goat as his sin-offering **for the unwitting** performance **of an action, does not bring** a sin-offering **for the** unwitting transgressions he performed **prior** to his coronation, then with regard to **an anointed** priest, **who brings** his sin-offering **only for absence** of awareness **of the matter** by the court **with the unwitting** performance **of an action, is it not logical that he will not bring** his sin-offering **for the prior** transgressions?

לֹא, אִם אָמַרְתָּ בְּנָשִׂיא – שֶׁכֵּן אֵין מֵבִיא חַטָּאתוֹ מְשֻׁעָבַר, תֹּאמַר בְּמָשִׁיחַ – שֶׁמֵּבִיא חַטָּאתוֹ מְשֻׁעָבַר, הוֹאִיל וּמֵבִיא חַטָּאתוֹ מְשֻׁעָבַר יָבִיא עַל הַקּוֹדְמוֹת? תַּלְמוּד לוֹמַר: "הַמָּשִׁיחַ יֶחֱטָא", חָטָא כְּשֶׁהוּא מָשִׁיחַ – מֵבִיא, כְּשֶׁהוּא הֶדְיוֹט – אֵינוֹ מֵבִיא.

The Gemara rejects this: **No, if you said** this **with regard to a king,** that is reasonable, **as he does not bring his** goat for a **sin-offering once he has moved on** from his sovereignty, and instead brings the sin-offering of a commoner. **Shall you** also **say** this **with regard to an anointed** priest, **who brings** a bull for **his sin-offering once he has moved on** from his priesthood? **Since he brings** a bull for **his sin-offering** even **once he has moved on** from his priesthood, perhaps **he shall bring** a bull as a sin-offering **for the** unwitting transgressions he performed **prior** to his installation as High Priest? Therefore, **the verse states:** "If **the anointed priest shall sin,**" from which it is derived: If **he sins when he is** serving as **an anointed priest he brings** a bull as his sin-offering; if he sins **when he is an ordinary** priest **he does not bring** a bull as his sin-offering.

וְתַנְיָא נַמִי גַּבֵּי נָשִׂיא כְּהַאי גַּוְונָא: "אֲשֶׁר נָשִׂיא יֶחֱטָא" – פָּרָט לַקּוֹדְמוֹת,

And it is also taught in this way in a *baraita* **with regard to a king:** "**When a king sins**" (Leviticus 4:22); this serves to **exclude the** unwitting transgressions he performed **prior** to his coronation as king.

HALAKHA

Sinned before they were appointed – חָטְאוּ עַד שֶׁלֹּא נִתְמַנּוּ: If an High Priest or a king sinned before he assumed his position, even if he became aware of his transgressions after he assumed his position he brings the same offering as an ordinary person (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:10).

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שֶׁיָּכוֹל וַהֲלֹא דִּין הוּא: וּמָה מָּשִׁיחַ שֶׁמֵּבִיא חַטָּאתוֹ מִשֶּׁעָבַר – אֵינוֹ מֵבִיא עַל הַקּוֹדְמוֹת, נָשִׂיא שֶׁאֵין מֵבִיא חַטָּאתוֹ מִשֶּׁעָבַר – אֵינוֹ דִּין שֶׁלֹּא יָבִיא עַל הַקּוֹדְמוֹת!

As one **might** have thought: **Could this not** be derived through an *a fortiori* **inference? If an anointed** priest, **who brings** a bull for **his sin-offering** even **once he has moved on** from his priesthood, **does not bring** his sin-offering **for the** unwitting transgressions he performed **prior** to his installation, then with regard to **a king, who does not bring his** goat for a **sin-offering once he has moved on** from his sovereignty, **is it not logical that he will not bring** his sin-offering **for the prior** transgressions? Apparently, there is no need for the derivation from the verse.

מַה לְּמָשִׁיחַ – שֶׁכֵּן אֵין מֵבִיא בִּשְׁגָגַת מַעֲשֶׂה, תֹּאמַר בְּנָשִׂיא – שֶׁמֵּבִיא בִּשְׁגָגַת מַעֲשֶׂה? הוֹאִיל וּמֵבִיא בִּשְׁגָגַת מַעֲשֶׂה יָבִיא עַל הַקּוֹדְמוֹת? תַּלְמוּד לוֹמַר: ״אֲשֶׁר נָשִׂיא יֶחֱטָא״, שֶׁחָטָא וְהֵרִי הוּא נָשִׂיא, וְלֹא שֶׁחָטָא וְעוֹדֶהוּ הֶדְיוֹט.

The Gemara notes that this inference can be rejected. **What** is notable **about an anointed** priest? He is notable **in that he does not bring** a sin-offering **for the unwitting** performance **of an action** unless it was performed on the basis of an erroneous ruling. **Shall you say** the same **with regard to a king, who brings** an offering **for the unwitting** performance **of an action** alone, even without an erroneous ruling? **Since he brings** an offering **for the unwitting** performance **of an action** alone, **shall he bring** a bull as a sin-offering **for the** unwitting transgressions he performed **prior** to his coronation? Therefore, **the verse states: "When a king sins,"** from which it is derived: In a case **where he sins and he is king,** he brings a bull as his sin-offering, **and not** in a case **where he sins and he is still a commoner.**

תָּנוּ רַבָּנָן: ״אֲשֶׁר נָשִׂיא יֶחֱטָא״, יָכוֹל גְּזֵרָה? תַּלְמוּד לוֹמַר: ״אִם הַכֹּהֵן הַמָּשִׁיחַ יֶחֱטָא״, מַה לְּהַלָּן לְכְשֶׁיֶּחֱטָא, אַף כָּאן לְכְשֶׁיֶּחֱטָא.

§ Apropos a king, **the Sages taught:** In contrast to other cases where the verse states: If he will sin, it states concerning a king: "**When** [*asher*] **a king sins.**" One **might** have thought that this is **a decree,** i.e., that it is a given that the king will sin. Therefore, **the verse states: "If the anointed priest shall sin"** (Leviticus 4:3). **Just as there** the meaning is: **In the event that** the priest **shall sin, so too here,** the meaning is: **In the event that** the king **shall sin.**

אָמַר מָר: יָכוֹל גְּזֵרָה. גְּזֵרָה, מֵהֵיכָא תֵּיתֵי?

The Gemara analyzes the *baraita*. **The Master said:** One **might** have thought that this is **a decree.** The Gemara asks: **A decree? From where would this be derived?** Why would it enter one's mind that there would be a decree that the king must sin?

אָמְרִי: אִין, אַשְׁכַּחַן, דִּכְתִיב: ״וְנָתַתִּי נֶגַע צָרַעַת בְּבֵית אֶרֶץ אֲחֻזַּתְכֶם״, בְּשׁוֹרָה הִיא לָהֶם שֶׁנְּגָעִים בָּאִים עֲלֵיהֶם, דִּבְרֵי רַבִּי יְהוּדָה; רַבִּי שִׁמְעוֹן אוֹמֵר: פְּרָט לִנְגָעֵי אוֹנָסִין; לָאו אָמַר רַבִּי יְהוּדָה בְּשׁוֹרָה, הָכָא נַמִּי אֵימָא גְּזֵרָה הִיא! הִלְכָךְ כְּתִיב: ״אִם״.

The Sages **say: Yes,** there is a basis for that understanding, as **we find** that type of interpretation elsewhere; **as it is written:** "When you come into the land of Canaan, which I give to you for a possession, **and I shall place the mark of leprosy in a house**[B] **of the land of your possession"** (Leviticus 14:34). **These are tidings** informing **them,** i.e., the Jewish people, **that leprous marks**[B] will **come upon them** when they enter Eretz Yisrael; this is **the statement of Rabbi Yehuda. Rabbi Shimon says:** This verse serves to teach that leprosy causes ritual impurity only when its origins are divine, **to the exclusion of leprosy** that results from **circumstances beyond one's control,** i.e., those that have a clear physical cause. **Didn't Rabbi Yehuda say** that leprosy could be **tidings,** i.e., that there will definitely be leprosy? **Here too,** with regard to the king, **say** that **it is a decree** that he will sin. **Therefore, it is written:** "**If** the anointed priest shall sin," meaning that the sin is not a given.

וּלְרַבִּי שִׁמְעוֹן, נִגְעֵי אוֹנָסִין מִי לָא מְטַמְּאִי? וְהָא תַּנְיָא: ״אָדָם כִּי יִהְיֶה״ – מִן הַדִּבּוּר וְאֵילָךְ, וַהֲלֹא דִּין הוּא: טְמֵא בְּזָב וְטִמֵּא בִּנְגָעִים, מַה זָּב מִן הַדִּבּוּר וְאֵילָךְ, אַף נְגָעִים מִן הַדִּבּוּר וְאֵילָךְ!

The Gemara asks with regard to the *baraita*: **And according to Rabbi Shimon, do** leprous **marks** that result from **circumstances beyond one's control not cause ritual impurity? But isn't it taught** in a *baraita*: "**When a person shall have** in the skin of his flesh a wool-white leprous mark or a scab" (Leviticus 13:2); these *halakhot* apply **from** this **statement onward,**[N] i.e., from the time that God gave this mitzva to the Jewish people, and these *halakhot* do not apply to leprosy that preceded the giving of the mitzva? **And could this not** be derived through **logical inference:** The Torah **deemed** one **impure in** the case of **a *zav*, and** the Torah **deemed** one **impure in** the case of leprous **marks. Just as a *zav*** is ritually impure only **from the statement onward, so too,** with regard to leprous **marks,** there is impurity only **from that statement onward.** There is no need for a derivation from the verse Leviticus 13:2.

BACKGROUND

Mark of leprosy in a house – נֶגַע צָרַעַת בְּבֵית: Leviticus, chapter 14, introduces the topic of leprosy of a house. Any four-walled structure built of stone, wood, or mud has the status of a house with regard to the *halakhot* of leprosy. The phenomenon of leprosy of a house existed only in Eretz Yisrael, but not in Jerusalem. Walls afflicted by leprosy are either a very dark green or a very dark red. If a leprous mark is discovered in a house, the house is quarantined for a week. If the mark spreads, the affected stones are removed. If the mark returns, the entire house is destroyed. Any person or vessel that enters the house during the quarantine period becomes ritually impure.

Leprous marks – נְגָעִים: Leprosy is one of the primary sources of ritual impurity and is a particularly severe form of impurity in that it imparts ritual impurity to items that are found under the same roof as a corpse does. Although *tzara'at* is typically translated as leprosy, the affliction mentioned in the Torah is not necessarily identical to the disease of that name. The *halakhot* governing this affliction are articulated in detail in the Torah (Leviticus, chapters 13–15), and in the Mishna in tractate *Nega'im*. There are several types of leprosy, e.g., leprosy of the skin, of the hair, of garments, and of houses. When a mark appears, it is examined by a priest, and only a priest is authorized to determine whether to quarantine the afflicted person or item, or whether to immediately rule if the symptom signifies leprosy or not. While the Jewish people were in the wilderness, one afflicted with leprosy was expelled from the camp for the duration of his affliction. In Eretz Yisrael, lepers were expelled from walled cities. Once the leper is cured, he performs specific rites outside the city and a purification ritual in the Temple, which includes bringing several offerings.

NOTES

From this statement onward – מִן הַדִּבּוּר וְאֵילָךְ: If one was afflicted with leprosy before the mitzva concerning leprosy was given, he does not become ritually impure. This is similar to the *halakha* that the discharge of a *zav* that one experienced before the mitzva concerning a *zav* was given does not join together with discharges that followed the giving of the mitzva. The Meiri writes that the *halakha* is the same with regard to a convert; since the *halakhot* of leprosy do not apply with regard to gentiles, any leprous marks that preceded a gentile's conversion are not taken into consideration after his conversion. This is derived from the language of the verse: "When a person shall have," which indicates that he will be impure only in the future, after the mitzva is given to him.

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לֹא, אִם אָמְרָתָ בְּזָב – שֶׁבֵּן אֵין מְטַמֵּא בְּאוֹנֶס, תֹּאמַר בְּנֶגָעִים – שֶׁמְּטַמְּאִין בְּאוֹנֶס, תַּלְמוּד לוֹמַר: "אָדָם כִּי יִהְיֶה" – מִן הַדִּבּוּר וְאֵילָךְ! רָבָא אָמַר: פָּרָט לְנִגְעֵי רוּחוֹת. רַב פַּפָּא אָמַר: פָּרָט לְנִגְעֵי כְּשָׁפִים.

The *baraita* continues: This inference can be rejected: **No, if you said** that **with regard to a *zav*,**[B] this is reasonable, **as he does not become impure** if his condition was caused **by circumstances beyond his control.**[H] **Shall you say** the same **with regard to** leprous **marks, which impart ritual impurity** when caused **by circumstances beyond one's control?** Therefore, **the verse states: "When a person shall have,"** indicating that there is impurity only **from** that **statement onward.** In any case, it is clear that leprosy causes impurity even if it was caused by circumstances beyond his control. **Rava says** in explanation: The phrase "and I shall place the mark of leprosy" serves **to exclude** leprous **marks** caused **by** evil **spirits.**[N] **Rav Pappa says** in explanation: That phrase serves **to exclude** leprous **marks** caused **by sorcery.**

תָּנוּ רַבָּנַן: "אֲשֶׁר נָשִׂיא יֶחֱטָא" – פָּרָט לְחוֹלֶה. מְשׁוּם דְּהָוָה לֵיהּ חוֹלֶה אִידַּחֵי לֵיהּ מִנְּשִׂיאוּתֵיהּ? אֶמַר רַב אַבְדִּימִי בַּר חָמָא: פָּרָט לְנָשִׂיא שֶׁנִּצְטָרַע, שֶׁנֶּאֱמַר: "וַיְנַגַּע ה' אֶת הַמֶּלֶךְ וַיְהִי מְצֹרָע עַד יוֹם מוֹתוֹ וַיֵּשֶׁב בְּבֵית הַחָפְשִׁית וְיוֹתָם בֶּן הַמֶּלֶךְ עַל הַבַּיִת". מִדְּקָאָמַר "בְּבֵית הַחָפְשִׁית", מִכְּלָל דְּעַד הָשְׁתָּא עֶבֶד הָוָה.

§ Apropos a king, **the Sages taught** that when the verse states: **"When a king sins"** (Leviticus 4:22), this serves **to exclude** a king who is **ill.** The Gemara asks: **Due to** the fact **that he is ill, is he removed from his sovereignty? Rav Avdimi bar Ḥama said:** The reference is not to all illnesses; rather, it is **to exclude a king who is afflicted with leprosy,**[H] **as it is stated** concerning King Azariah: **"And the Lord afflicted the king, so that he was a leper until the day of his death, and dwelt in an independent house. And Jotham, son of the king, was over the household,** judging the people of the land" (II Kings 15:5). Azariah was removed from his sovereignty when he was afflicted with leprosy. The Gemara comments: **From** the fact **that** the verse **states: "In an independent house," by inference** it may be understood **that until now he was a servant,** i.e., he was in servitude to the people.

כִּי הָא דְּרַבָּן גַּמְלִיאֵל וְרַבִּי יְהוֹשֻׁעַ הָווּ אָזְלִי בִּסְפִינְתָּא, בַּהֲדֵי דְּרַבָּן גַּמְלִיאֵל הָווּ פִּיתָּא, בַּהֲדֵי רַבִּי יְהוֹשֻׁעַ הָווּ פִּיתָּא וְסוּלְתָּא, שְׁלִים פִּיתֵּיהּ דְּרַבָּן גַּמְלִיאֵל סְמַךְ אַסּוּלְתֵּיהּ דְּרַבִּי יְהוֹשֻׁעַ. אֲמַר לֵיהּ: מִי הָווּ יָדַעְתְּ דְּהָווֹ לָן עִכּוּבָא כּוּלֵי הַאי דְּאַיְתִית סוּלְתָּא? אֲמַר לֵיהּ: כּוֹכָב אֶחָד לִשְׁבְעִים שָׁנָה עוֹלֶה וּמַתְעֶה אֶת (הספינות) [הַסַּפָּנִים], וְאָמְרִתִּי: שָׁמָּא יַעֲלֶה וְיַתְעֶה [אוֹתָנוּ].

The Gemara notes: This is **similar** to **that** incident **where Rabban Gamliel and Rabbi Yehoshua were traveling** together **on a ship. Rabban Gamliel had** sufficient **bread** for the journey. **Rabbi Yehoshua** also **had** sufficient **bread, and** additionally he had **flour.**[N] The journey lasted longer than expected, and **Rabban Gamliel's bread was finished. He relied on Rabbi Yehoshua's flour** for nourishment. Rabban Gamliel **said to** Rabbi Yehoshua: **Did you know** from the outset **that we would have so substantial a delay?** Is that the reason **that you brought flour** with you? Rabbi Yehoshua **said to** Rabban Gamliel: **There is one star**[B] **that rises once in seventy years and misleads sailors** at sea, causing their journeys to be extended. **And I said: Perhaps** that star **will rise** during our journey **and mislead us.**

HALAKHA

A *zav* due to circumstances beyond his control – זָב מֵחֲמַת אוֹנֶס: If one experiences a discharge due to circumstances beyond his control or due to illness, he does not become impure as a *zav* (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 2:2).

A king who is afflicted with leprosy – נָשִׂיא שֶׁנִּצְטָרַע: If a king is afflicted with leprosy he steps down from his kingship. Consequently, he assumes the status of a commoner in terms of the sin-offering that he brings, in accordance with the opinion of Rav Avdimi bar Ḥama (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:9).

NOTES

Leprous marks caused by evil spirits, etc. – נִגְעֵי רוּחוֹת וכו': Rashi explains that the reference is to leprous marks caused by evil spirits or by sorcerers. There is a distinction between natural circumstances that are beyond one's control, e.g., a wound or a burn, and supernatural circumstances that are beyond one's control, which are not considered leprosy.

Bread and flour – פִּיתָּא וְסוּלְתָּא: Bread becomes moldy and hardens over time, becoming inedible. Flour can be preserved for a longer period (Rashi).

BACKGROUND

***Zav* – זָב:** This refers to a man who experiences a gonorrhea-like discharge. The *halakhot* relating to the ritual impurity resulting from this condition are detailed in the Torah (Leviticus 15:1–15) and in tractate *Zavim*. The *zav* becomes ritually impure as a result of the emission of a white, pus-like discharge from his penis. A man who experiences such a discharge only once does not assume the status of a *zav*; rather, he is ritually impure only for the duration of the day, like a man who experiences a seminal emission. If he experiences a second discharge on that day or on the following day, or if he experiences a prolonged initial discharge, he becomes impure with the more severe impurity of a *zav*, which lasts seven days. If he experiences a third discharge on that day or the following day, he is obligated to bring, as part of his purification process, a pair of doves or young pigeons, one as a sin-offering and one as a burnt-offering. Not only is the *zav* himself ritually impure, but he also imparts ritual impurity by means of contact with people or vessels, as well as by being moved by them, by moving them, by lying or sitting on them, or if a large stone upon which he lies is positioned above the person or vessel. If he lies or sits upon a vessel specifically designated for lying or sitting, that vessel assumes the status of a primary source of impurity. Otherwise, the people or the vessels affected assume first-degree ritual-impurity status. The fluids the *zav* secretes, i.e., his spittle, urine, and semen, also impart ritual impurity.

One star – כּוֹכָב אֶחָד: There are comets that appear over the earth once in several years and are visible for a certain period of time in the sky. Halley's comet, for example, appears approximately once every seventy-six years. This may be the star to which Rabbi Yehoshua is referring. If so, this would constitute the first mention of this comet in world literature.

Halley's comet

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אָמַר לֵיהּ: כָּל כָּךְ בִּידֶךָ וְאַתָּה עוֹלֶה בִּסְפִינָה? אָמַר לֵיהּ: עַד שֶׁאַתָּה תָּמֵהַּ עָלַי, תְּמַהּ עַל שְׁנֵי תַּלְמִידִים שֶׁיֵּשׁ לְךָ בַּיַּבָּשָׁה, רַבִּי אֶלְעָזָר חִסְמָא וְרַבִּי יוֹחָנָן בֶּן גּוּדְגְּדָא, שֶׁיּוֹדְעִין לְשַׁעֵר כַּמָּה טִפּוֹת יֵשׁ בַּיָּם, וְאֵין לָהֶם פַּת לֶאֱכוֹל וְלֹא בֶּגֶד לִלְבּוֹשׁ! נָתַן דַּעְתּוֹ לְהוֹשִׁיבָם בָּרֹאשׁ.

Rabban Gamliel **said to him: So much** wisdom is **at your** disposal, **and you board a ship** to earn your livelihood? Rabbi Yehoshua **said to him: Before you wonder about me, wonder about two students that you have on dry land, Rabbi Elazar Ḥisma**[P] **and Rabbi Yoḥanan ben Gudgeda,**[P] **who** are so wise that they **know** how **to calculate how many drops** of water **there are in the sea,**[B] **and** yet **they have neither bread to eat nor a garment to wear.** Rabban Gamliel **made up his mind to seat them at the head** of the academy.[N]

כְּשֶׁעָלָה, שָׁלַח לָהֶם וְלֹא בָּאוּ, חָזַר וְשָׁלַח וּבָאוּ. אָמַר לָהֶם: כִּמְדוּמִּין אַתֶּם שֶׁשְּׁרָרָה אֲנִי נוֹתֵן לָכֶם?

When Rabban Gamliel **ascended** to dry land, **he sent** a messenger **to them** to tell them to come so that he could appoint them **and they did not come. He again sent** a messenger to them **and they came.** Rabban Gamliel **said to them: Do you imagine that I am granting you authority,** and since you did not want to accept the honor you did not come when I sent for you?

BACKGROUND

To calculate how many drops there are in the sea – לְשַׁעֵר כַּמָּה טִפּוֹת יֵשׁ בַּיָּם: This statement serves to illustrate the expertise of these Sages in the area of mathematics. While it is clearly an exaggerated description of their ability to calculate the volume of seawater, it is an expression of their general acumen in performing calculations.

PERSONALITIES

Rabbi Elazar Ḥisma – רַבִּי אֶלְעָזָר חִסְמָא: A fourth-generation *tanna*, Rabbi Elazar Ḥisma was primarily a student of Rabbi Akiva and was among his first students in the academy located in the vineyard of Yavne, where he also studied with Rabbi Yehoshua and other Sages of the generation. From the little that is known about him, it seems that he was impoverished. Based on the Gemara here and his statement in tractate *Avot* (3:18), it seems that he was also well versed in secular knowledge, particularly mathematics. His halakhic and aggadic statements are cited in the Mishna and in *baraitot*. The name Ḥisma is a nickname that means: One who grew strong or who overcame adversity. In *Vayikra Rabba* (23:4), an incident is related that explains the source of that nickname.

Rabbi Yoḥanan ben Gudgeda – רַבִּי יוֹחָנָן בֶּן גּוּדְגְּדָא: Rabbi Yoḥanan ben Gudgeda was a Levite. As one of the Levites who served in the Temple, he was the official in charge of locking the gates. The Gemara relates that as an expression of piety he was accustomed to treating all his food as though it were being prepared according to the strictures of sacrificial food. After the destruction of the Temple, he remained active in the study hall in Yavne, and was responsible for several testimonies, cited in tractates *Eduyyot* and *Ḥullin*, relating to customs from earlier generations. The Gemara relates that he had children who were born as deaf-mutes due to a hereditary defect but were eventually cured and became prominent Torah scholars. The *Tosefta* also relates that while these sons were still deaf they were entrusted with the task of purifying impure items in Jerusalem.

NOTES

To seat them at the head of the academy – לְהוֹשִׁיבָם בָּרֹאשׁ: Rashi explains that Rabban Gamliel appointed them as heads of the academy to enable them to earn a livelihood (Rashi). The Ramah questions whether one earns a livelihood in that position. He explains that Rabban Gamliel did not appoint them to that position so they could earn a livelihood. Rather, because Rabbi Yehoshua informed him that they were great Torah scholars, they were worthy of serving in that lofty position. The commentaries note that the Ramah bases his explanation on the ruling of the Rambam, who stresses that it is prohibited to accept payment for teaching Torah. Yet from elsewhere in the Gemara it is apparent that the heads of the academies, because they officially or unofficially also served as communal leaders, received ample remuneration so that they would be available for consultations and to give lectures, and in order to honor them in accordance with their lofty status (*Be'er Sheva*).

Perek **III**
Daf **10** Amud **b**

עֲבָדוּת אֲנִי נוֹתֵן לָכֶם, שֶׁנֶּאֱמַר: ״וַיְדַבְּרוּ אֵלָיו לֵאמֹר אִם הַיּוֹם תִּהְיֶה עֶבֶד לָעָם הַזֶּה״.

I am granting you servitude, as it is stated: "And they spoke to him saying: If you will be a servant to this people today" (1 Kings 12:7). This explains the phrase "in an independent house."

§ תָּנוּ רַבָּנָן: ״אֲשֶׁר נָשִׂיא יֶחֱטָא״ – אָמַר רַבִּי יוֹחָנָן בֶּן זַכַּאי: אַשְׁרֵי הַדּוֹר שֶׁהַנָּשִׂיא שֶׁלּוֹ מֵבִיא קָרְבָּן עַל שִׁגְגָתוֹ, אִם נָשִׂיא שֶׁלּוֹ מֵבִיא קָרְבָּן, צָרִיךְ אַתָּה לוֹמַר מַהוּ הֶדְיוֹט! וְאִם עַל שִׁגְגָתוֹ מֵבִיא קָרְבָּן, צָרִיךְ אַתָּה לוֹמַר מַהוּ זְדוֹנוֹ!

§ **The Sages taught:** The verse states concerning a king: **"When** [*asher*] **a king sins"** (Leviticus 4:22). **Rabbi Yoḥanan ben Zakkai said: Happy** [*ashrei*] **is the generation whose king** feels the need to **bring an offering for his unwitting** transgression. **If** the generation's **king brings an offering, you must say** all the more so **what a commoner** will do to atone for his sin, i.e., he will certainly bring an offering. **And if** the king **brings an offering for his unwitting** transgression, **you must say** all the more so **what** he will do to atone for **his intentional** transgression, i.e., he will certainly repent.

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מַתְקִיף לָהּ רָבָא בְּרֵיהּ דְּרַבָּה: אֶלָּא מֵעַתָּה, דִּכְתִיב: ״וְאֵת אֲשֶׁר חָטָא מִן הַקֹּדֶשׁ יְשַׁלֵּם״, וּבְיָרְבְעָם בֶּן נְבָט דִּכְתִיב בֵּיהּ: ״אֲשֶׁר חָטָא וַאֲשֶׁר הֶחֱטִיא״, הָכִי נַמִי דְּאַשְׁרֵי הַדּוֹר הוּא! שָׁאנֵי הָכָא, דְּשָׁנֵי קְרָא בְּדִבּוּרֵיהּ.

Rava, son of Rabba, objects to this: If that is so, and the term *asher* is interpreted in that manner, then concerning that **which is written: "And he shall pay for that which** [*asher*] **he has sinned from the sacred item"** (Leviticus 5:16), **and with regard to Jeroboam, son of Nevat, about whom it is written: "Who** [*asher*] **sinned and caused others to sin"** (1 Kings 14:16), **so too** is the interpretation **that this generation is happy?** The Gemara answers: **Here,** in the case of a king who brings an offering, it **is different, as the verse altered its formulation;** in parallel verses, the term "if" is utilized, e.g., in the verse: "If the anointed priest shall sin" (Leviticus 4:3). In the other instances, *asher* is the standard formulation.

דָּרַשׁ רַב נַחְמָן בַּר רַב חִסְדָּא, מַאי דִּכְתִיב: ״יֵשׁ הֶבֶל אֲשֶׁר נַעֲשָׂה עַל הָאָרֶץ״ וגו׳? אַשְׁרֵיהֶם לַצַּדִּיקִים שֶׁמַּגִּיעַ אֲלֵיהֶם כְּמַעֲשֵׂה הָרְשָׁעִים שֶׁל עוֹלָם הַבָּא בָּעוֹלָם הַזֶּה, אוֹי לָהֶם לָרְשָׁעִים שֶׁמַּגִּיעַ אֲלֵיהֶם כְּמַעֲשֵׂה הַצַּדִּיקִים שֶׁל עוֹלָם הַבָּא בָּעוֹלָם הַזֶּה.

Apropos the homiletic interpretation of the term *asher*, **Rav Naḥman bar Ḥisda interpreted** a verse homiletically: **What** is the meaning of that **which is written: "There is a vanity that is** [*asher*] **performed upon the earth;** that there are [*asher*] righteous men to whom it happens according to [*asher*] the action of the wicked, and there are wicked men to whom it happens according to the action of the righteous" (Ecclesiastes 8:14)? **Happy** [*ashrei*] **are the righteous,**[N] **to whom it happens in this world according to the experiences of the wicked in the World-to-Come,** i.e., they suffer in this world. **Woe unto the wicked, to whom it happens in this world according to the experiences of the righteous in the World-to-Come,** i.e., they enjoy this world.

אָמַר רָבָא: אַשּׁוּ צַדִּיקִי אִי אָכְלֵי תְּרֵי עוֹלָמֵי מִי סָנֵי לְהוּ? אֶלָּא אֵימַר רָבָא: אַשְׁרֵיהֶם לַצַּדִּיקִים שֶׁמַּגִּיעַ אֲלֵיהֶם כְּמַעֲשֵׂה הָרְשָׁעִים שֶׁל עוֹלָם הַזֶּה בָּעוֹלָם הַזֶּה, אוֹי לָהֶם לָרְשָׁעִים שֶׁמַּגִּיעַ אֲלֵיהֶם כְּמַעֲשֵׂה הַצַּדִּיקִים שֶׁל עוֹלָם הַזֶּה בָּעוֹלָם הַזֶּה.

Rava said: Is that to say that if the righteous enjoyed two worlds it would be awful for them?[N] Why must the righteous suffer in this world? **Rather, Rava said** as follows: **Happy are the righteous to whom it happens in this world according to the experiences of the wicked in this world,** i.e., happy are the righteous who enjoy this world as well. **Woe to the wicked, to whom it happens in this world according to the experiences of the righteous in this world,** i.e., like the many righteous people who suffer in this world.

רַב פָּפָּא וְרַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ אֲתוּ לְקַמֵּיהּ דְּרָבָא, אֲמַר לְהוּ: אוֹקִימְתּוּן מַסֶּכְתָּא פְּלָן? וּמַסֶּכְתָּא פְּלָן? אֲמָרוּ לֵיהּ: אִין. אִיעַתְּרִיתוּ פּוּרְתָּא? אֲמָרוּ לֵיהּ: אִין, דְּזַבְּנַן קְטִינָא דְּאַרְעָא. קָרֵי עֲלַיְיהוּ: אַשְׁרֵיהֶם לַצַּדִּיקִים שֶׁמַּגִּיעַ אֲלֵיהֶם כְּמַעֲשֵׂה הָרְשָׁעִים שֶׁבָּעוֹלָם הַזֶּה בָּעוֹלָם הַזֶּה.

The Gemara relates: **Rav Pappa and Rav Huna, son of Rav Yehoshua, came before Rava.** Rava **said to them: Have you mastered this tractate and that tractate? They said to him: Yes.** Rava said to them: **Have you become somewhat wealthy? They said to him: Yes, as** each of **us bought a parcel of land** from which we earn our livelihoods. Rava **proclaimed about them: Happy are the righteous, to whom it happens in this world according to** the goodness resulting from **the actions of the wicked in this world.**

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן, מַאי דִּכְתִיב: ״כִּי יְשָׁרִים דַּרְכֵי ה׳ וְצַדִּקִים יֵלְכוּ בָם וּפֹשְׁעִים יִכָּשְׁלוּ בָם״? מָשָׁל לִשְׁנֵי בְּנֵי אָדָם שֶׁצָּלוּ פִּסְחֵיהֶם, אֶחָד אָכְלוֹ לְשׁוּם מִצְוָה וְאֶחָד אָכְלוֹ לְשׁוּם אֲכִילָה גַּסָּה, זֶה שֶׁאָכְלוֹ לְשׁוּם מִצְוָה – ״צַדִּקִים יֵלְכוּ בָם״, זֶה שֶׁאָכְלוֹ לְשׁוּם אֲכִילָה גַּסָּה – ״וּפֹשְׁעִים יִכָּשְׁלוּ בָם״.

§ **Rabba bar bar Ḥana said** that **Rabbi Yoḥanan said: What** is the meaning of that **which is written: "For the ways of the Lord are right, and the righteous will walk in them and transgressors will stumble in them"** (Hosea 14:10)? It is **comparable to** an incident involving **two people who roasted their Paschal offerings. One ate it for the sake of** the **mitzva, and** the other **one ate it** with gusto, **for the sake of excessive eating.** With regard to **that** person **who ate it for the sake of** the **mitzva,** it is written: **"The righteous will walk in them."** With regard to **that** person **who ate it for the sake of excessive eating,** it is written: **"And transgressors will stumble in them."**

אָמַר לֵיהּ רֵישׁ לָקִישׁ: רָשָׁע קָרֵית לֵיהּ? נְהִי דְּלָא עָבֵיד מִצְוָה מִן הַמּוּבְחָר, פֶּסַח מִי לָא קָאָכֵיל! אֶלָּא מָשָׁל לִשְׁנֵי בְּנֵי אָדָם, זֶה אִשְׁתּוֹ וַאֲחוֹתוֹ עִמּוֹ בַּבַּיִת וְזֶה אִשְׁתּוֹ וַאֲחוֹתוֹ עִמּוֹ בַּבַּיִת, אֶחָד נִזְדַּמְּנָה לוֹ אִשְׁתּוֹ וְאֶחָד נִזְדַּמְּנָה לוֹ אֲחוֹתוֹ, זֶה שֶׁנִּזְדַּמְּנָה לוֹ אִשְׁתּוֹ – ״צַדִּקִים יֵלְכוּ בָם״, וְזֶה שֶׁנִּזְדַּמְּנָה לוֹ אֲחוֹתוֹ – ״וּפֹשְׁעִים יִכָּשְׁלוּ בָם״.

Reish Lakish said to Rabba bar bar Ḥana: **Did you call** the one who ate the Paschal offering for the sake of excessive eating **wicked? Although he did not perform** the **mitzva** in the **ideal** manner, **didn't he eat** the **Paschal offering?**[NB] Since he fulfilled the mitzva, how can he be characterized as a transgressor? **Rather,** it is **analogous to** an incident involving **two people; this** one has **his wife and his sister with him in** a dark **house and that** one has **his wife and his sister with him in** a dark **house. One** of them, **his wife happened** to come **to him** and he engaged in intercourse with her, **and** the other **one, his sister happened** to come **to him** and he engaged in intercourse with her. With regard to **that** one, **to whom his wife happened** to come, it is written: **"The righteous will walk in them."** With regard to **that** one, **to whom his sister happened** to come, it is written: **"And transgressors will stumble in them."**

NOTES

Happy are the righteous – אַשְׁרֵיהֶם לַצַּדִּיקִים: The reason for this is that the righteous are punished and their few sins are expiated in this world so that they will receive only reward in the World-to-Come. The opposite is true for the wicked; God rewards their few good deeds in this world so that they will receive only punishment in the World-to-Come.

It would be awful for them – מִי סָנֵי לְהוּ: This means: Is it a shortcoming in a righteous person if he enjoys this world? In *Gilyonei HaShas* it is explained that Rava disagrees with Rav Naḥman's perspective on the world, as Rav Naḥman considers a path of suffering and asceticism as the optimal path for the righteous to follow. Rava thinks that there is no inherent value to asceticism; although not everyone is privileged to enjoy this world, it is a good thing if a righteous person is privileged to worship God in a state of abundance and rest.

Didn't he eat the Paschal offering – פֶּסַח מִי לָא קָאָכֵיל: The Rosh explains that there are two types of excessive eating. One type is when a person eats after he is completely satiated. In that case, he does not enjoy the food at all. The reference in the Gemara is to a case like this, as the person has fulfilled the mitzva, albeit not in the preferred manner. The second type of excessive eating is when one has eaten so much that any additional taste causes him suffering. This type of eating does not have the halakhic status of eating at all.

BACKGROUND

Paschal offering – פֶּסַח: The Torah commands that all adult Jews bring an offering to the Temple on the afternoon of the fourteenth of Nisan and that they eat the offering that evening after nightfall. The offering is a male lamb or goat that is less than one year old (see Exodus, chapter 12, and Deuteronomy 16:2). The Paschal offering is an offering of lesser sanctity. It may be slaughtered anywhere within the Temple courtyard. Its blood is poured above the base of the altar. It is brought by groups, and it has certain *halakhot* in common with communal offerings, e.g., it may be sacrificed even when the fourteenth of Nisan occurs on Shabbat, and it may be sacrificed when the majority of the people bringing it are in a state of ritual impurity.

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מִי דָּמֵי? אֲנַן קָאָמְרִינַן חֲדָא דֶּרֶךְ, וְהָכָא שְׁנֵי דְּרָכִים! אֶלָּא מָשָׁל לְלוֹט וּשְׁתֵּי בְּנוֹתָיו, הֵן שֶׁנִּתְכַּוְונוּ לְשֵׁם מִצְוָה – ״צַדִּיקִים יֵלְכוּ בָם״, הוּא שֶׁנִּתְכַּוֵּון לְשֵׁם עֲבֵירָה – ״וּפֹשְׁעִים יִכָּשְׁלוּ בָם״.

The Gemara asks: **Are these** matters **comparable?** In the verse, **we are speaking of one path** upon which both the righteous and the wicked walk, **and here,** in the incident mentioned by Reish Lakish, there are **two paths,** as the two people are not performing the same action. **Rather,** it is **analogous to** the incident involving **Lot and his two daughters** (see Genesis 19:30–38): With regard to the daughters, **who,** when engaging in intercourse with their father, **intended** their action **for the sake of a mitzva,** as they believed that the world had been destroyed and that only they remained alive, it is written: **"The righteous will walk in them."** With regard to Lot, **who intended** his action **for the sake of a transgression,** it is written: **"And transgressors will stumble in them."**

וְדִלְמָא הוּא נַמִי לְשֵׁם מִצְוָה הוּא מְכַוֵּין! אָמַר רַבִּי יוֹחָנָן: כָּל הַפָּסוּק הַזֶּה לְשֵׁם עֲבֵירָה נֶאֱמַר:

The Gemara challenges: **Perhaps** Lot **too intended** his action **for the sake of a mitzva. Rabbi Yoḥanan says** that **this entire verse:** "And Lot cast his eyes and beheld the entire plain of the Jordan that it was well watered everywhere" (Genesis 13:10), **is stated in the context of transgression.**

״וַיִּשָּׂא לוֹט״ – ״וַתִּשָּׂא אֵשֶׁת אֲדֹנָיו אֶת עֵינֶיהָ״; ״אֶת עֵינָיו״ – ״וַיֹּאמֶר שִׁמְשׁוֹן [וגו׳] אוֹתָהּ קַח לִי כִּי הִיא יָשְׁרָה בְּעֵינָי״; ״וַיַּרְא״ – ״וַיַּרְא אֹתָהּ שְׁכֶם בֶּן חֲמוֹר״; ״אֶת כָּל כִּכַּר הַיַּרְדֵּן״ – ״כִּי בְּעַד אִשָּׁה זוֹנָה עַד כִּכַּר לָחֶם״; ״כִּי כֻלָּהּ מַשְׁקֶה״ – ״אֵלְכָה אַחֲרֵי מְאַהֲבַי נֹתְנֵי לַחְמִי וּמֵימַי צַמְרִי וּפִשְׁתִּי שַׁמְנִי וְשִׁקּוּיָי״.

He explains: **"And Lot cast** his eyes" is an allusion to the verse: **"His master's wife cast her eyes** upon Joseph and said: Lie with me" (Genesis 39:7). **"His eyes"** is an allusion to the verse: **"And Samson said: Get her for me, as she is pleasing to my eyes"** (Judges 14:3). **"And beheld"** is an allusion to the verse: **"And Shechem, son of Hamor,** the prince of the land, **beheld her;** and he took her and lay with her" (Genesis 34:2). **"The entire plain** [*kikar*] **of the Jordan"** is an allusion to the verse: **"For on account of a prostitute a man is brought to a loaf** [*kikar*] **of bread"** (Proverbs 6:26). **"That it was well watered** [*mashke*] **everywhere"** is an allusion to the verse **"I will follow my lovers, givers of my bread and my water, my wool and my flax, my oil and my drink** [*veshikkuyai*]" (Hosea 2:7).

וְהָא מֵינַס אֲנִיס! תָּנָא מְשׁוּם רַבִּי יוֹסֵי בַּר רַבִּי חוֹנִי: לָמָּה נָקוּד עַל וי״ו שֶׁ״בְּקוּמָהּ״ שֶׁל בְּכִירָה? לוֹמַר לָךְ, שֶׁבְּשִׁכְבָתָהּ לֹא יָדַע אֲבָל בְּקוּמָהּ יָדַע. וּמַאי הֲוָה לֵיהּ לְמֶעֱבַד? מַאי דַּהֲוָה הֲוָה! נָפְקָא מִינָּהּ – דִּלְפָנֶיךָ אַחֲרִינָא לָא אִיבָּעֵי לֵיהּ לְמִישְׁתֵּי.

The Gemara asks: Why is Lot accused of wrongdoing? **Wasn't he** the victim of **circumstances beyond his control,** as he was drunk and asleep? It is **taught in the name of Rabbi Yosei bar Rabbi Ḥoni: Why is it dotted over** the letter ***vav*** **that** is in the word **"*bekumah*"**[N] written with regard to Lot's **elder** daughter in the verse: "And he knew not when she lay down, nor when she arose [*bekumah*]" (Genesis 19:33)? It is **to say to you that when she lay down he did not know; but when she arose, he knew.** Therefore, his action was not completely beyond his control. The Gemara asks: **And what was he to do? What was, was.** The Gemara answers: He should have **derived from it that on the following night he should not drink.** Since he drank again, this indicates that he did so with intent to engage in intercourse with his other daughter.

דָּרַשׁ רַבָּה, מַאי דִּכְתִיב: ״אָח נִפְשָׁע מִקְרַיַת עֹז וּמִדְיָנִים כִּבְרִיחַ אַרְמוֹן״? ״אָח נִפְשָׁע מִקְרַיַת עֹז״ – זֶה לוֹט שֶׁפֵּירַשׁ מֵאַבְרָהָם, ״וּמִדְיָנִים כִּבְרִיחַ אַרְמוֹן״ – שֶׁהִטִּיל מְדָיָנִים בֵּין יִשְׂרָאֵל לְעַמּוֹן, שֶׁנֶּאֱמַר: ״לֹא יָבֹא עַמּוֹנִי וּמוֹאָבִי בִּקְהַל ה׳״.

Apropos Lot, **Rabba taught: What** is the meaning of that **which is written: "A brother betrayed a strong city, and their contentions are like the bars of a castle"** (Proverbs 18:19)? **"A brother betrayed a strong city"; that is Lot, who parted from Abraham. "And their contentions are like the bars of a castle"** is stated **because he,** i.e., Lot, **introduced contention between Israel and Ammon, as it is stated: "An Ammonite or a Moabite shall not enter into the congregation of the Lord"** (Deuteronomy 23:4).

דָּרַשׁ רָבָא וְאִיתֵּימָא רַבִּי יִצְחָק, מַאי דִּכְתִיב: ״לְתַאֲוָה יְבַקֵּשׁ נִפְרָד (ובכל) [בְּכָל] תּוּשִׁיָּה יִתְגַּלָּע״? ״לְתַאֲוָה יְבַקֵּשׁ נִפְרָד״ – זֶה לוֹט שֶׁנִּפְרַד מֵאַבְרָהָם, ״(ובכל) [בְּכָל] תּוּשִׁיָּה יִתְגַּלָּע״ – שֶׁנִּתְגַּלָּה קְלוֹנוֹ בְּבָתֵּי כְּנֵסִיּוֹת וּבְבָתֵּי מִדְרָשׁוֹת, דִּתְנַן: עַמּוֹנִי וּמוֹאָבִי אֲסוּרִין אִיסּוּר עוֹלָם.

Rava taught, and some say it was **Rabbi Yitzḥak** who taught: **What** is the meaning of that **which is written: "He that separates himself seeks his own desire, and snarls against all sound wisdom"** (Proverbs 18:1)? **"He that separates himself seeks his own desire"; that is Lot, who separated from Abraham**[N] to pursue his lust. **"And snarls** [*yitgalla*] **against all sound wisdom"; his shame was revealed** [*shenitgalla*] **in synagogues and study halls,** where the *halakha* concerning his offspring is taught; **as we learned** in a mishna (*Yevamot* 76a): **An Ammonite and a Moabite,** descendants of Lot, **are forbidden** with **a permanent prohibition.**

NOTES

Dotted over the *vav* that is in *bekumah* – נָקוּד עַל וי״ו שֶׁבְּקוּמָהּ: Based on the principles of homiletic interpretation, every place that dots appear over a word in the Torah indicates some kind of hesitation or uncertainty with regard to the matter. In this case, although Lot was unaware when she lay down, he had a degree of awareness when she arose (see Maharsha).

Lot who separated from Abraham – לוֹט שֶׁנִּפְרַד מֵאַבְרָהָם: Although it was Abraham who requested that Lot separate from him, based on the verses (see Genesis 13:5–8) it is clear that this was only after Lot's actions precluded their continued coexistence (Rosh).

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§ **And Ulla says: Tamar engaged in licentiousness** with Judah (see Genesis, chapter 38), **and Zimri engaged in licentiousness** with Cozbi (see Numbers 25:6–9). **Tamar engaged in licentiousness,** and **kings and prophets emerged from her. Zimri engaged in licentiousness,** and **tens of thousands from the Jewish people fell. Rav Naḥman bar Yitzḥak says: A transgression** performed **for the sake of** Heaven[N] **is greater than a mitzva** performed **not for its own sake, as it is stated: "Blessed above women shall be Yael, the wife of Heber the Kenite, above women in the tent shall she be blessed"** (Judges 5:24). **Who are** these **"women in the tent"?** They are **Sarah, Rebecca, Rachel, and Leah,** and Yael is more blessed than they are. Apparently, a mitzva performed not for its own sake is a negative phenomenon.

וְאָמַר עוּלָּא: תָּמָר זָנְתָה וְזִימְרִי זָנָה, תָּמָר זָנְתָה – יָצְאוּ מִמֶּנָּה מְלָכִים וּנְבִיאִים, זִימְרִי זָנָה – נָפְלוּ כַּמָּה רִבְבוֹת מִיִּשְׂרָאֵל. אָמַר רַב נַחְמָן בַּר יִצְחָק: גְּדוֹלָה עֲבֵירָה לִשְׁמָהּ מִמִּצְוָה שֶׁלֹּא לִשְׁמָהּ, שֶׁנֶּאֱמַר: "תְּבֹרַךְ מִנָּשִׁים יָעֵל אֵשֶׁת חֶבֶר הַקֵּינִי מִנָּשִׁים בָּאֹהֶל תְּבֹרָךְ", מַאן נִינְהוּ "נָשִׁים בָּאֹהֶל"? שָׂרָה, רִבְקָה, רָחֵל וְלֵאָה.

אִינִי? וְהָאָמַר רַב יְהוּדָה אָמַר רַב: לְעוֹלָם יַעֲסוֹק אָדָם בְּתוֹרָה וּבְמִצְוֹת אֲפִילּוּ שֶׁלֹּא לִשְׁמָהּ, שֶׁמִּתּוֹךְ שֶׁלֹּא לִשְׁמָהּ בָּא לִשְׁמָהּ! אֵימָא: כְּמִצְוָה שֶׁלֹּא לִשְׁמָהּ.

The Gemara asks: **Is that so? But doesn't Rav Yehuda say** that **Rav says: A person should always engage in Torah** study **and** the performance of **mitzvot, even** if he does so **not for its** own **sake,**[H] **as through** the performance of mitzvot **not for its** own **sake,** one gains understanding and **comes** to perform them **for its** own **sake.** Apparently, even when performed not for its own sake a mitzva is still a positive phenomenon. The Gemara emends the statement: **Say** that the status of a transgression performed for the sake of Heaven is **like** that of **a mitzva** performed **not for its** own **sake.**

אָמַר רַבִּי יוֹחָנָן: שֶׁבַע בְּעִילוֹת בָּעַל אוֹתוֹ רָשָׁע בְּאוֹתָהּ שָׁעָה, שֶׁנֶּאֱמַר: "בֵּין רַגְלֶיהָ כָּרַע נָפַל שָׁכָב" וגו'. וְהָא קָא מִיתַּהֲנְיָא מֵעֲבֵירָה! אָמַר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי שִׁמְעוֹן בֶּן יוֹחַאי: אֲפִילּוּ טוֹבָתָם שֶׁל רְשָׁעִים רָעָה הִיא אֵצֶל צַדִּיקִים.

Apropos Yael, **Rabbi Yoḥanan says: That wicked** man Sisera **performed seven** acts of **intercourse** with Yael **at that time, as it is stated: "Between her legs he crouched, he fell, he lay;** between her legs he crouched, he fell; where he crouched, there he fell dead" (Judges 5:27). Each of the seven verbs is a euphemism for intercourse. The Gemara asks: **But didn't she experience pleasure from** the **transgression** of engaging in intercourse with Sisera? Why does the verse praise her? **Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: Even the good** provided **by the wicked is bad for the righteous,** so Yael did not experience any pleasure from her intercourse with Sisera.

אָמַר רַב יְהוּדָה אָמַר רַב: לְעוֹלָם יַעֲסוֹק אָדָם בְּתוֹרָה וּבְמִצְוֹת אֲפִילּוּ שֶׁלֹּא לִשְׁמָהּ, שֶׁמִּתּוֹךְ שֶׁלֹּא לִשְׁמָהּ בָּא לִשְׁמָהּ; שֶׁבִּשְׁכַר אַרְבָּעִים וּשְׁנַיִם קָרְבָּנוֹת שֶׁהִקְרִיב בָּלָק הָרָשָׁע, זָכָה וְיָצְתָה מִמֶּנּוּ רוּת, דְּאָמַר רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: רוּת בַּת בְּנוֹ שֶׁל עֶגְלוֹן בֶּן בְּנוֹ שֶׁל בָּלָק מֶלֶךְ מוֹאָב.

Rav Yehuda says that **Rav says: A person should always engage in Torah** study **and** the performance of **mitzvot, even** if he does so **not for its own sake, as through** the performance of mitzvot **not for its own sake,** one gains understanding and **comes** to perform them **for its own sake.** Proof for this can be adduced from the incident involving Balak, **as in reward for the forty-two offerings that Balak the wicked sacrificed** to God, despite the fact that he did this in order to curse the Jewish people (see Numbers, chapter 23), **he merited and Ruth emerged from him, as Rabbi Yosei, son of Rabbi Ḥanina, says: Ruth was the daughter of the son of Eglon,**[N] **the son of the son of Balak, king of Moab.**

NOTES

Transgression performed for the sake of Heaven – עֲבֵירָה לִשְׁמָהּ: Yael did not perform the action for her own pleasure; she did so to sap Sisera's strength. The Matriarchs did derive pleasure when engaging in intercourse with the Patriarchs, although their intent was to fulfill a mitzva (*Tosefot HaRosh*; see *Be'er Sheva* and Maharsha).

Daughter of the son of Eglon – בַּת בְּנוֹ שֶׁל עֶגְלוֹן: *Tosafot* (*Nazir* 23b) and others explain that she was not actually the daughter of his son, as there were more than two generations between Eglon and Ruth. Rather, it means that she was one of his descendants.

HALAKHA

A person should always engage in Torah…even if he does so not for its own sake, etc. – לְעוֹלָם יַעֲסוֹק אָדָם בְּתוֹרָה...אֲפִילּוּ שֶׁלֹּא לִשְׁמָהּ וכו': After one's death, he is first judged with regard to his Torah study. Therefore, the Sages stated that one should always engage in Torah, even if he does so not for its own sake, because if he begins to study it not for its own sake, he will eventually study it for its own sake. Examples of engaging in Torah study not for its own sake include one who does so in order to be rewarded or protected from punishment (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 3:5 and *Hilkhot Teshuva* 10:5).

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אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: מִנַּיִן שֶׁאֵין הַקָּדוֹשׁ בָּרוּךְ הוּא מְקַפֵּחַ אֲפִילּוּ שְׂכַר שִׂיחָה נָאָה? מֵהָכָא, דְּאִילּוּ בְּכִירָה דְּקָרְייָהּ מוֹאָב, אֲמַר לֵיהּ רַחֲמָנָא לְמֹשֶׁה: ״אַל תָּצַר אֶת מוֹאָב וְאַל תִּתְגָּר בָּם מִלְחָמָה״, מִלְחָמָה

§ Apropos Lot and his daughters, **Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says: From where** is it derived **that the Holy One, Blessed be He, does not withhold even** the **reward for euphemistic speech?** It is derived **from here, as the elder** daughter **called her son Moab,** an allusion to the fact that the child is from her own father [*me'av*], and **the Merciful One said to Moses: "Be not at enmity with Moab, neither contend with them in battle"** (Deuteronomy 2:9). From this it may be inferred: **It is** in **battle**

Perek **III**
Daf **11** Amud **a**

הוּא דְּלָא, הָא צָעוּרֵי צַעֲרִינְהוּ; וְאִילּוּ צְעִירָה דְּקָרְייָהּ בֶּן עַמִּי, אֲמַר לֵיהּ: ״אַל תְּצָרֶם וְאַל תִּתְגָּר בָּם״ – כְּלָל, אֲפִילּוּ צָעוּרֵי לָא.

that one may **not** contend with them, **but** it is permitted **to harass them. While** concerning the offspring of **the younger daughter, who called** her son **ben Ami,** son of my people, avoiding any direct mention of the baby's father, God **said to** Moses: **"Neither harass them, nor contend with them"** (Deuteronomy 2:19), **at all. Even** to **harass** them is **not** permitted.

אָמַר רַבִּי חִיָּיא בַּר אָבִין אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה: לְעוֹלָם יַקְדִּים אָדָם לִדְבַר מִצְוָה, שֶׁבִּשְׁכַר לַיְלָה אַחַת שֶׁקִּדְּמָה בְּכִירָה לַצְּעִירָה, זָכְתָה וְקִדְּמָתָהּ אַרְבַּע דּוֹרוֹת לַמַּלְכוּת.

Rabbi Ḥiyya bar Avin says that **Rabbi Yehoshua ben Korḥa says: A person should always be first to** perform **a matter of a mitzva, as in reward for one night that** the **elder** daughter **preceded the younger** daughter, **she merited and preceded her to royalty** by **four generations.** Ruth the Moabite, ancestor of King David, descended from her son Moab, and she preceded Naamah the Ammonite, who was married to King Solomon, by four generations.

תָּנוּ רַבָּנָן: ״מֵעַם הָאָרֶץ״ – פָּרָט לַמָּשִׁיחַ, ״מֵעַם הָאָרֶץ״ – פָּרָט לַנָּשִׂיא,

§ **The Sages taught** in a *baraita*: The verse states: "And if one soul from among the common people sins unwittingly in performing one of the mitzvot of God that may not be done and he is guilty" (Leviticus 4:27). The phrase **"from among the common people"** serves **to exclude the anointed** priest;[H] the phrase **"from among the common people"** also serves **to exclude the king.**

וַהֲלֹא כְּבָר יָצְאוּ מָשִׁיחַ לִידּוֹן בְּפָר, נָשִׂיא לִידּוֹן בִּשְׂעִיר! שָׁיְכוֹל מָשִׁיחַ עַל הָעֶלֶם דָּבָר עִם שִׁגְגַת מַעֲשֶׂה מֵבִיא פָּר, עַל שִׁגְגַת מַעֲשֶׂה לְחוּדֵיהּ מֵבִיא כִּשְׂבָּה וּשְׂעִירָה? תַּלְמוּד לוֹמַר: ״מֵעַם הָאָרֶץ״ – פָּרָט לַמָּשִׁיחַ, ״מֵעַם הָאָרֶץ״ – פָּרָט לַנָּשִׂיא.

The *baraita* continues: **But weren't** these individuals already **excluded** from bringing a ewe or a female goat as a sin-offering, as **an anointed** priest is **subject to** atonement **with a bull,** and **a king** is **subject to** atonement **with a male goat?** Why then is an additional exclusionary derivation necessary? The *baraita* answers: The derivation is necessary, **as** one **might** have thought that **an anointed priest brings a bull for absence** of awareness **of the matter** together **with the unwitting** performance **of an action,** but that **he brings a ewe or a female goat,** as does a non-priest, **for the unwitting** performance **of an action alone.** Therefore, **the verse states: "From among the common people,"** which serves **to exclude the anointed** priest, who is completely exempt from bringing a sin-offering for an unwitting transgression unless it was committed on the basis of his own erroneous ruling. The *baraita* concludes: The phrase **"from among the common people"** serves **to exclude the king.**

תֵּינַח מָשִׁיחַ, אֶלָּא נָשִׂיא בְּשִׁגְגַת מַעֲשֶׂה הוּא דְּמַיְיתֵי!

The Gemara challenges: **Granted,** in the case of **an anointed** priest it is clear why an additional exclusionary derivation is necessary. **But** in the case of **a king, it is for the unwitting** performance **of an action that he brings** a goat as his offering. Why then is the additional derivation necessary?

HALAKHA

From among the common people to exclude the anointed priest – מֵעַם הָאָרֶץ פָּרָט לַמָּשִׁיחַ: A High Priest who performed an unwitting transgression not on the basis of his own erroneous ruling is exempt from bringing a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:2).

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BACKGROUND

Olive-bulk – כְּזַיִת: An olive-bulk is one of the most significant halakhic units of volume. By Torah law, the act of eating is defined as consuming one olive-bulk, and every Torah law that either commands one to eat or prohibits eating is defined in accordance with this measure. The measure is defined in terms of the water displacement of a particular strain of olive. The precise size of this measurement is not clear. One talmudic passage indicates that it is slightly less than half an egg-bulk, while another indicates that it is less than one-third of an egg-bulk. Due to the range of opinions with regard to the measure of an egg-bulk, the opinions concerning the measure of an olive-bulk range from 15 to 50 cubic cm.

אֲמַר רַב זְבִיד מִשְּׁמֵיהּ דְּרָבָא: הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁאָכַל כְּזַיִת חֵלֶב כְּשֶׁהוּא הֶדְיוֹט, וְנִתְמַנָּה וְאַחַר כָּךְ נוֹדַע לוֹ, סָלְקָא דַּעְתָּךְ אָמְינָא נֵייתֵי כִּשְׁבָּה אוֹ שְׂעִירָה, קָמַשְׁמַע לָן. הָנִיחָא לְרַבִּי שִׁמְעוֹן דַּאֲזִיל בָּתַר יְדִיעָה, אֶלָּא לְרַבָּנַן דְּאָזְלוּ בָּתַר חֲטָאָה מַאי אִיכָּא לְמֵימַר?

Rav Zevid said in the name of Rava: What are we dealing with here? We are dealing with a case **where one** unwittingly **ate an olive-bulk**[B] **of** forbidden **fat when he** was **a commoner, and he was** then **appointed** king, **and thereafter** his transgression **became known to him.** It could **enter your mind to say: Let him bring a ewe or a female goat** because he performed the transgression before he became king. Therefore, the verse **teaches us** that he brings a male goat as he is now a king. The Gemara challenges: **This works out well according to Rabbi Shimon, who follows** the time of **knowledge,** and holds that one brings the offering on the basis of his status at the time when his transgression became known to him. **But according to the Rabbis, who follow** the time of the performance of the **sin, what can be said?**

אֶלָּא אֲמַר רַב זְבִיד מִשְּׁמֵיהּ דְּרָבָא: הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁאָכַל חֲצִי כְּזַיִת חֵלֶב כְּשֶׁהוּא הֶדְיוֹט, וְנִתְמַנָּה וְהִשְׁלִימוֹ וְאַחַר כָּךְ נוֹדַע לוֹ, סָלְקָא דַּעְתָּךְ אָמְינָא נִצְטָרֵף וְנֵייתֵי כִּשְׁבָּה אוֹ שְׂעִירָה, קָא מַשְׁמַע לָן.

Rather, Rav Zevid said in the name of Rava: What are we dealing with here? We are dealing with a case **where one** unwittingly **ate half an olive-bulk**[H] **of** forbidden **fat when he** was **a commoner, and he was** then **appointed** king, **and he** then **finished** eating the olive-bulk of forbidden fat, **and thereafter it became known to him** that he had eaten forbidden fat. It could **enter your mind to say: Let** the two halves **combine and let him bring a ewe or a female goat.** Therefore, the verse **teaches us** that the status of a king is not like that of a commoner. Since a king brings a special offering, the half olive-bulk that he ate before becoming king does not combine with the half olive-bulk that he ate as a king.

בָּעָא מִינֵּיהּ רָבָא מֵרַב נַחְמָן: נְשִׂיאוּת מַהוּ שֶׁתַּפְסִיק? הֵיכִי דָּמֵי, כְּגוֹן שֶׁאָכַל חֲצִי כְּזַיִת חֵלֶב כְּשֶׁהוּא הֶדְיוֹט, וְנִתְמַנָּה וְעָבַר וְהִשְׁלִימוֹ, הָתָם הוּא דְּלָא מִצְטָרֵף, דַּאֲכָלֵיהּ פַּלְגָּא כְּשֶׁהוּא הֶדְיוֹט וּפַלְגָּא כְּשֶׁהוּא נָשִׂיא, אֲבָל הָכָא דְּאִידֵי וְאִידֵי כְּשֶׁהוּא הֶדְיוֹט אֲכָלֵיהּ מִצְטָרֵף, אוֹ דִּלְמָא לָא שְׁנָא, מַאי?

Rava raised a dilemma before Rav Naḥman: With regard to **kingship, what is** the *halakha*? Does it **interpose**[H] between two parts of a transgression and prevent them from combining? **What are the circumstances?** It is a case **where one** unwittingly **ate half an olive-bulk of** forbidden **fat when he** was **a commoner, and he was** then **appointed** king, **and** then was **removed** from his position, **and** then **finished** eating the olive-bulk of forbidden fat. Perhaps **it is there,** in the previous case, **that** the two actions **do not combine, as he ate half when he** was **a commoner and half when he** was **king. But here, where he ate** both **this** half **and that** half **when he** was **a commoner,** they **combine. Or perhaps it is no different,** and once he was appointed king and his status changed, the two actions do not combine. **What** is the *halakha*?

תִּפְשׁוֹט לֵיהּ מֵהָא דְּאָמַר עוּלָּא אָמַר רַבִּי יוֹחָנָן: אָכַל חֵלֶב וְהִפְרִישׁ קָרְבָּן וְהֶמִּיר וְחָזַר בּוֹ, הוֹאִיל וְנִדָּחֶה יִדָּחֶה. הָכִי הָשְׁתָּא, מוּמָר לָאו בַּר אַתּוּיֵי קָרְבָּן הוּא, הַאי בַּר אַתּוּיֵי קָרְבָּן הוּא.

The Gemara suggests: **Resolve** the dilemma **from that which Ulla says** that **Rabbi Yoḥanan says:** If **one ate** forbidden **fat and designated an offering** for his unwitting sin, **and he became an apostate,**[H] **and** then **retracted** his apostasy, **since he was disqualified** from bringing the offering as an apostate **he shall** remain **disqualified** from bringing an offering for that sin. The Gemara rejects this: **How can** these cases **be compared? An apostate is ineligible** as far as **bringing an offering**[H] of any kind is concerned; **this** king **is eligible** with regard to **bringing an offering,** albeit of a different type.

HALAKHA

One ate half an olive-bulk, etc. – אָכַל חֲצִי כְּזַיִת וכו': In the case of a king who ate half an olive-bulk of forbidden fat while a commoner, and half an olive-bulk after his coronation, although he ate both within one lapse of awareness, they do not combine, and he is exempt from bringing an offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:10).

Kingship, what is the *halakha*, does it interpose – נְשִׂיאוּת מַהוּ שֶׁתַּפְסִיק: If one ate half an olive-bulk of forbidden fat before becoming king, and was then crowned and deposed, and then ate another half an olive-bulk of forbidden fat, if he ate both within one lapse of awareness, there is uncertainty as to whether or not his reign, during which his liability is different, interrupts and prevents the two halves from joining together (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:10).

One ate forbidden fat…and he became an apostate – אָכַל חֵלֶב...וְהֶמִּיר: If one unwittingly performed a transgression and designated an animal as his sin-offering and then became an apostate and then repented, although the offering was disqualified while he was an apostate, after he repents the offering is valid, because living animals are not permanently disqualified. The Rambam rules contrary to the opinion of Rabbi Yoḥanan and in accordance with the opinion of Rav (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 3:8 and *Kesef Mishne* there).

An apostate is ineligible as far as bringing an offering – מוּמָר לָאו בַּר אַתּוּיֵי קָרְבָּן: In the case of an apostate with regard to idol worship or the public desecration of Shabbat, the priests do not accept an offering from him at all (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 3:7).

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בְּעָא מִינֵּיהּ רַבִּי זֵירָא מֵרַב שֵׁשֶׁת: אָכַל סְפֵק חֵלֶב כְּשֶׁהוּא הֶדְיוֹט, וְנִתְמַנָּה וְנוֹדַע לוֹ עַל סְפֵקוֹ, מַהוּ? אַלִּיבָּא דְּרַבָּנַן דְּאָזְלֵי בָּתַר חֲטָאָה לָא תְּבָעֵי לָךְ – דְּמֵיְיתֵי אָשָׁם תָּלוּי, אֶלָּא כִּי תְּבָעֵי לָךְ – אַלִּיבָּא דְּרַבִּי שִׁמְעוֹן,

Rabbi Zeira raised a dilemma before Rav Sheshet: If **one ate** meat **when he was a commoner,** and there was **uncertainty** as to whether or not it was forbidden **fat,**[H] **and** subsequently he **was appointed** king **and his uncertainty became known to him, what is** the *halakha*? **According to** the opinion of **the Rabbis, who follow** the time of the actual **transgression, do not raise the dilemma, as** in their opinion, he is liable to **bring a provisional guilt-offering. Rather, when you raise the dilemma** it is **according to** the opinion of **Rabbi Shimon,** who follows the time of awareness of the transgression.

מִדְּאִשְׁתַּנִּי לְוַדַּאי אִשְׁתַּנִּי לְסָפֵק, אוֹ דִּלְמָא כִּי אִשְׁתַּנִּי לְוַדַּאי – דְּאִשְׁתַּנִּי קָרְבָּן דִּידֵיהּ, אֲבָל הָכָא דְּלָא אִשְׁתַּנִּי קָרְבָּן דִּידֵיהּ – אֵימָא לֵייתֵי אָשָׁם תָּלוּי? תִּיקוּ.

Is the *halakha* that **from** the fact **that** his status **changed with regard to a definite** transgression, as, if he was liable to bring a sin-offering and his sin became known to him after his coronation, he is completely exempt, it may be derived that his status **changed with regard to an uncertain** transgression as well, and he is exempt from bringing a provisional guilt-offering? **Or perhaps when** his status **changed,** it was **with regard to a definite** transgression only, **as** in that case **his offering changed,** since a king brings a goat as a sin-offering instead of a ewe or a female goat. **But here,** in the case of an uncertain transgression, **as his offering does not change, say: Let him bring a provisional guilt-offering.** The Gemara concludes: The dilemma **shall stand** unresolved.

תָּנוּ רַבָּנַן: מֵעַם הָאָרֶץ – פָּרָט לְמָשׁוּחַ;

§ **The Sages taught:** The verse states: "And if one soul **from among the common people** sins unwittingly in performing one of the mitzvot of God that may not be done and he is guilty" (Leviticus 4:27). This serves **to exclude an apostate.**[N] When an apostate sins unwittingly, he is exempt from liability to bring a sin-offering even if he repents for that sin, as even his unwitting action is considered intentional.

רַבִּי שִׁמְעוֹן בַּר יוֹסֵי אוֹמֵר מִשּׁוּם רַבִּי שִׁמְעוֹן: ״אֲשֶׁר לֹא תֵעָשֶׂינָה בִּשְׁגָגָה וְאָשֵׁם״ – הַשָּׁב בִּידִיעָתוֹ מֵבִיא קָרְבָּן עַל שִׁגְגָתוֹ, לֹא שָׁב בִּידִיעָתוֹ אֵינוֹ מֵבִיא קָרְבָּן עַל שִׁגְגָתוֹ.

The *baraita* continues: **Rabbi Shimon bar Yosei says in the name of Rabbi Shimon:** It is unnecessary to derive this *halakha* from that phrase, as it says in the same verse: "If any one of the common people sins **unwittingly** in performing one of the mitzvot of God **that may not be done and he is guilty;** or if his sin, which he has sinned, be known to him" (Leviticus 4:27–28). From the words "be known to him" it is inferred that only **one who repents due to his awareness,** i.e., who would not have sinned had he known that the act was forbidden, **brings an offering for his unwitting** transgression and achieves atonement in this way. But one who does **not repent due to his awareness** that he sinned, e.g., an apostate, who would sin even after becoming aware that the act is forbidden, **does not bring an offering for his unwitting** action.

מַאי בֵּינַיְיהוּ? אֲמַר רַבִּי הַמְנוּנָא: מְשׁוּחַ לָאֵכוֹל חֵלֶב וּמֵבִיא קָרְבָּן עַל הַדָּם אֵיכָּא בֵּינַיְיהוּ, מָר סָבַר: כֵּיוָן דְּמוּמָר לֶאֱכוֹל חֵלֶב – לְדָם נַמִי מְשׁוּחַ הָוֵי, וּמָר סָבַר: לְדָם מִיהָא שָׁב בִּידִיעָתוֹ הוּא.

The Gemara asks: **What** is the practical difference **between** the opinions of the Rabbis and Rabbi Shimon concerning whether the *halakha* is derived from the earlier or later verse? **Rav Hamnuna said:** The difference **between them** is in the case of **an apostate with regard to eating** forbidden **fat;**[H] they disagree as to whether or not **he brings an offering for** unwittingly consuming **blood.** One **Sage,** the Rabbis, **holds: Since he is an apostate with regard to eating** forbidden **fat, he is also** considered **an apostate with regard to** consuming **blood. And** one **Sage,** Rabbi Shimon, **holds: With regard to** consuming **blood, in any event, he is** one who **repents due to his awareness,** as he is not considered an apostate with regard to blood.

HALAKHA

If one ate and there was uncertainty whether it was forbidden fat – אָכַל סְפֵק חֵלֶב: If, before he assumed his position, a High Priest or king ate a piece of meat with regard to which there is uncertainty as to whether or not it was forbidden fat, and subsequently he assumed his position, he is liable to bring a provisional guilt-offering, in accordance with the opinion of the Rabbis, who follow the time of the transgression in their dispute with Rabbi Shimon (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:10).

An apostate with regard to eating forbidden fat, etc. – מְשׁוּחָד לֶאֱכוֹל חֵלֶב וכו׳: The priests do not accept an offering from an apostate with regard to one mitzva in order to atone for that mitzva, even if he performed the transgression unwittingly, e.g., if he was an apostate with regard to eating forbidden fat, and he confused forbidden fat with permitted fat and ate it under the impression that he was eating permitted fat. They do accept an offering from him to atone for violations of other mitzvot, in accordance with the statement of Rava (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 3:4 and *Sefer Korbanot*, *Hilkhot Shegagot* 3:7).

NOTES

From among the common people to exclude an apostate – מֵעַם הָאָרֶץ פָּרָט לְמָשׁוּחַ: According to this opinion, one's status as an apostate excludes him from the Jewish people, and as long as he remains an apostate his status is that of a gentile. Therefore, he is excluded from bringing the offerings that Jews must bring. According to Rabbi Shimon, an apostate is not excluded from the Jewish people, but it cannot be said of him that he is repentant. Therefore, the offering that he designated is not considered an offering.

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וְהָא רָבָא אָמַר: דְּכוּלֵי עָלְמָא – מְשׁוּמָּד לֶאֱכוֹל חֵלֶב לֹא הָוֵי מְשׁוּמָּד לְדָם! אֶלָּא, הָכָא בְּאוֹכֵל נְבֵלָה לְתֵאָבוֹן וְנִתְחַלֵּף לוֹ בְּשׁוּמָּן וַאֲכָלוֹ קָמִיפַּלְגִי, מָר סָבַר: כֵּיוָן דְּלְתֵאָבוֹן אָכֵיל בְּמֵזִיד מְשׁוּמָּד הוּא, וּמָר סָבַר: כֵּיוָן דְּאִיפּוֹא אַשְׁכַּח דַּהֲיֶתְרָא לָא אָכַל דְּאִיפּוֹרָא לָאו מְשׁוּמָּד הוּא.

The Gemara asks: **But didn't Rava say that everyone agrees** that **an apostate with regard to eating** forbidden **fat is not** considered **an apostate with regard to** consuming **blood?** The Gemara answers: **Rather, here** it is **with regard to** a person who **eats** forbidden fat and **an animal carcass due to appetite,** e.g., only when he does not have access to kosher meat. **And** forbidden fat **became confused for** that person **with** permitted **fat and he ate** the forbidden fat. It is in that case that the Rabbis and Rabbi Shimon **disagree.** One **Sage,** the Rabbis, **holds: Since he intentionally eats** forbidden fat **due to appetite, he is an apostate. And** one **Sage,** Rabbi Shimon, **holds: Since if he finds** food **that** is **permitted he does not eat** food **that** is **prohibited,** as he merely seeks to satiate his appetite, **he is not an apostate.**

תָּנוּ רַבָּנַן: אָכַל חֵלֶב זֶהוּ מְשׁוּמָּד, וְאֵיזֶהוּ מְשׁוּמָּד? אָכַל נְבֵילוֹת וּטְרֵיפוֹת, שְׁקָצִים וּרְמָשִׂים, וְשָׁתָה יֵין נֶסֶךְ; רַבִּי יְהוּדָה אוֹמֵר: אַף הַלּוֹבֵשׁ כִּלְאַיִם. אָמַר מָר: אָכַל חֵלֶב זֶהוּ מְשׁוּמָּד, וְאֵיזֶהוּ מְשׁוּמָּד? אוֹכֵל נְבֵילוֹת כּוּ'. מַאי קָאָמַר?

The Sages taught: One who **ate** forbidden **fat is an apostate. And who is an apostate?**[H] It is one who **ate animal carcasses**[B] **or animals with wounds that will cause them to die within twelve months** [*tereifot*]**, repugnant creatures or creeping animals,**[B] **and** one who **drank wine** used for **a libation** in idol worship.[B] **Rabbi Yehuda says:** This applies **even** to **one who wears** garments fashioned of **diverse kinds,**[B] containing wool and linen. The Gemara analyzes this *baraita*. **The Master said:** One who **ate** forbidden **fat is an apostate. And who is an apostate?** It is one who **ate animal carcasses, etc.** The Gemara asks: **What is he saying?** Why, after answering the question, does the *tanna* ask who is an apostate and then provide a different answer?

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן, הָכִי קָאָמַר: אָכַל חֵלֶב לְתֵאָבוֹן – הֲרֵי זֶה מְשׁוּמָּד, לְהַכְעִיס – הֲרֵי זֶה מִין, וְאֵיזֶהוּ מְשׁוּמָּד דְּבִסְתָּמוֹ מִין? הֱוֵי אוֹמֵר: אוֹכֵל נְבֵילָה וּטְרֵיפָה, שְׁקָצִים וּרְמָשִׂים, וְשָׁתָה יֵין נֶסֶךְ. רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר: אַף הַלּוֹבֵשׁ כִּלְאַיִם.

Rabba bar bar Ḥana said that **Rabbi Yoḥanan said: This** is what **he is saying:** If **one ate** forbidden **fat due to appetite, he is an apostate.** If he ate it **to express insolence, this** person is **a heretic.**[BN] **And which is** the **apostate who is a presumptive heretic** merely on the basis of his actions? **You must say** that it is one who **eats an animal carcass or a *tereifa*, repugnant creatures or creeping animals, and** one who **drank wine** used for **a libation** in idol worship. Based on the fact that he violates serious transgressions for which one has no appetite such as repugnant creatures or creeping animals, it is clear that he is a heretic who denies the Torah in its entirety. **Rabbi Yosei, son of Rabbi Yehuda, says:** This applies **even** to **one who wears** garments fashioned of **diverse kinds,** containing wool and linen.

מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ כִּלְאַיִם דְּרַבָּנַן, מָר סָבַר: מִדְּאוֹרַיְיתָא הָוֵי מְשׁוּמָּד, דְּרַבָּנַן לָא הָוֵי מְשׁוּמָּד; וּמָר סָבַר: כִּלְאַיִם כֵּיוָן דְּמִפַּרְסַם אִסּוּרֵיהּ, אֲפִילּוּ בְּדְרַבָּנַן הָוֵי מְשׁוּמָּד.

The Gemara asks: **What** is the practical difference **between** the opinion of the Rabbis and that of Rabbi Yosei, son of Rabbi Yehuda? The Gemara answers: The difference between them is in the case of one who wears a garment of **diverse kinds,** containing wool and linen prohibited **by rabbinic law.**[N] One **Sage,** the Rabbis, **holds:** One who violates a prohibition **by Torah law is an apostate;** one who violates a prohibition **by rabbinic law is not an apostate. And** one **Sage,** Rabbi Yosei, **holds:** With regard to **diverse kinds, since his** violation of the **prohibition is well known,** as people see that he is wearing that garment, **even** though he violates a prohibition **by rabbinic law, he is an apostate.**

פְּלִיגִי בָּהּ רַב אַחָא וְרָבִינָא, חַד אָמַר: לְתֵאָבוֹן – מְשׁוּמָּד, לְהַכְעִיס – מִין; וְחַד אָמַר: לְהַכְעִיס נַמִי מְשׁוּמָּד, אֶלָּא אֵיזֶהוּ מִין? כָּל הָעוֹבֵד עֲבוֹדָה זָרָה. מֵיתִיבִי: אָכַל פַּרְעוֹשׁ אֶחָד אוֹ יַתּוּשׁ אֶחָד – הֲרֵי זֶה מְשׁוּמָּד; וְהָא הָכָא דְּלְהַכְעִיס הוּא, וְקָא קָרֵי לֵיהּ מְשׁוּמָּד! הָתָם, דְּאָמַר: אָטְעוֹם טַעַם דְּאִיפּוֹרָא.

Rav Aḥa and Ravina disagree with regard to this matter. **One said:** If one violated a prohibition **due to appetite** or convenience he is **an apostate,** while one who eats **to express insolence** is **a heretic. And one said:** One who violates a prohibition **to express insolence** is **also an apostate. Rather, who is a heretic?**[H] It is **anyone who engages in idol worship.** The Gemara **raises an objection** to the first opinion from a *baraita*: If a person **ate one flea or one mosquito, this** person is **an apostate. But here,** isn't it a case **where it is** a violation performed **to express insolence,** as one has no desire to eat these insects, **and** yet the *tanna* **calls him an apostate?** The Gemara answers: The reference **there,** in that *baraita*, is to the case of one who **eats** the flea due to appetite, **as he says: I shall taste the flavor of prohibition.** He seeks to eat a food that he has never eaten before.

HALAKHA

Who is an apostate – אֵיזֶהוּ מְשׁוּמָּד: One who performs a transgression in order to satiate his appetite is an apostate with regard to that transgression (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:10).

Who is a heretic – אֵיזֶהוּ מִין: A heretic is one who engages in idol worship or who violates a Torah prohibition in order to express insolence (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:10; *Shulḥan Arukh*, *Yoreh De'a* 158:2 and *Ḥoshen Mishpat* 425:6).

BACKGROUND

Animal carcasses – נְבֵילוֹת: Not all animal carcasses fall into this category; it includes the carcasses of large kosher and non-kosher domesticated and undomesticated animals. The reference here is to a kosher animal that died of natural causes or as a result of ritual slaughter that was not valid. It is prohibited to eat an unslaughtered animal carcass, which is also a primary source of ritual impurity. Although it is prohibited to eat the unslaughtered kosher animal, it is permitted to derive benefit from it. Certain physical conditions, e.g., a completely broken neck, confer the status of an unslaughtered carcass upon an animal even when it is still alive.

Repugnant creatures or creeping animals – שְׁקָצִים וּרְמָשִׂים: *Tosefot Yom Tov* distinguishes between these two terms. The term repugnant creatures refers to small creatures in the sea and on land, as well as to birds and insects that are characterized with this term in the Torah. The term creeping animals refers to worms and other creatures that infest produce, some of which, the Sages believed, generate spontaneously.

Wine used for a libation in idol worship – יֵין נֶסֶךְ: The reference here is to wine used in idol worship. It is prohibited to drink or benefit from that wine (see Deuteronomy 32:38). The Sages expanded the scope of the prohibition and prohibited drinking wine that has been touched by a gentile, even if it was never utilized, or even designated, for idol worship. The Rema cites several opinions that say that today, since idolaters do not pour wine libations to their idols, it is permitted to derive benefit from their wine; therefore, it is permitted to collect their wine as repayment of a debt (*Tur*, citing Rashbam and Rosh). Nevertheless, one may not buy or sell it *ab initio* (*Haggahot Maimoniyyot*).

Wears diverse kinds – לוֹבֵשׁ כִּלְאַיִם: It is prohibited to wear a garment in which wool and linen were spun, woven, or sewn together (see Leviticus 19:19 and Deuteronomy 22:11). Certain other combinations of wool and linen are prohibited by rabbinic decree. By Torah law, it is prohibited to wear a garment of that kind, but it is permitted to fashion, sell, and benefit from it. The Sages prohibited lying on a mattress that contains a mixture of wool and linen.

Heretic – מִין: Toward the end of the Second Temple period and thereafter, there were different sects among the Jewish people that deviated from the path of the Sages to varying degrees. Among those sects were the early Christians, especially various Gnostic sects. These sects deviated greatly from accepted *halakha* and tended to level accusations at the Sages, including the claim that the Sages do not observe the Torah properly.

NOTES

To express insolence, this is a heretic – לְהַכְעִיס הֲרֵי זֶה מִין: One who violates a prohibition to satiate his appetite is like any other transgressor motivated by desire, whose actions demonstrate nothing about his beliefs. An apostate who violates even one prohibition to express insolence thereby demonstrates his lack of belief in the Torah. Therefore, his status is that of a heretic rather than that of a sinner (Rabbeinu Yedaya HaPenini).

Diverse kinds by rabbinic law – כִּלְאַיִם דְּרַבָּנַן: The Torah prohibition against diverse kinds refers to a case where wool and linen threads are interwoven in a garment. The reference here is to one who wears a garment that contains wool and linen that are not interwoven; certain types of felt are made this way, and they are not prohibited by Torah law (Rosh).

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״וְאֵיזֶהוּ נָשִׂיא? זֶה מֶלֶךְ״ כו׳. תָּנוּ רַבָּנַן: ״נָשִׂיא״ – יָכוֹל נְשִׂיא שֶׁבֶּט בִּנְחשׁוֹן בֶּן עַמִּינָדָב? תַּלְמוּד לוֹמַר: ״מִכָּל מִצְוֹת ה׳ אֱלֹהָיו״, וְלֹא הָלָן הוּא אוֹמֵר: ״לְמַעַן יִלְמַד לְיִרְאָה אֶת ה׳ אֱלֹהָיו״,

§ The mishna teaches: **Who is** the ***nasi*? This is a king,** as it is stated: "When a *nasi* sins, and performs any one of all the mitzvot of the Lord his God that shall not be performed, unwittingly, and he is guilty" (Leviticus 4:22), referring to one who has only the Lord his God over him and no other authority. **The Sages taught: The verse states: "*nasi*."** One **might** have thought that the reference is to **the prince of a tribe, like Naḥshon, son of Amminadab.** Therefore, **the verse states:** "And performed **any** one **of all the mitzvot of the Lord his God." Later,** in the passage with regard to the king, the verse **states: "That he may learn to fear the Lord his God"** (Deuteronomy 17:19).

Perek **III**
Daf **11** Amud **b**

מַה לְּהַלָּן שֶׁאֵין עַל גַּבָּיו אֶלָּא ה׳ אֱלֹהָיו, אַף נָשִׂיא שֶׁאֵין עַל גַּבָּיו אֶלָּא ה׳ אֱלֹהָיו.

Just as there, in the passage with regard to the king, the reference is to one **over whom there is only the Lord his God, so too,** with regard to **a *nasi*,** the reference is to one **over whom there is only the Lord his God.**

בְּעָא מִינֵּיהּ רַבִּי מֵרַבִּי חִיָּיא: כְּגוֹן אֲנִי מַהוּ בְּשָׂעִיר? אֲמַר לֵיהּ: חֲרֵי צָרָתָךְ בְּבָבֶל. אֵיתִיבֵיהּ: מַלְכֵי יִשְׂרָאֵל וּמַלְכֵי בֵּית דָּוִד, אֵלּוּ מְבִיאִים לְעַצְמָם וְאֵלּוּ מְבִיאִים לְעַצְמָם! אֲמַר לֵיהּ: הָתָם לָא כְּיֵיפִי אַהֲדָדֵי, הָכָא אֲנַן כְּיֵיפִינַן לְהוּ לְדִידְהוּ.

Rabbi Yehuda HaNasi **raised a dilemma before Rabbi Ḥiyya:** In a case **where I** perform an unwitting transgression, **what is** the *halakha*: Would I be liable to atone **with a goat** as a sin-offering because I am the *Nasi*, or is my atonement with a ewe or a female goat, like a commoner, because I am not the king? Rabbi Ḥiyya **said to him: Your rival,** the Exilarch **in Babylonia,**[B] is as great as you; therefore, you are not akin to a king. Rabbi Yehuda HaNasi **raised an objection to** Rabbi Ḥiyya from a *baraita*: If **kings of** the kingdom of **Israel and kings of the house of David**[H] perform an unwitting transgression, **these bring** a sin-offering **for themselves** as kings, **and those bring** a sin-offering **for themselves** as kings. This indicates that even if a king has a counterpart who is as powerful as he is, he brings a male goat as his sin-offering. Rabbi Ḥiyya **said to** Rabbi Yehuda HaNasi: **There,** the kings **were not subject to each other's authority. Here,** in Eretz Yisrael, **we are subject to their authority,**[N] as the authority of the Exilarch is greater than the authority of the *Nasi*.

רַב סָפְרָא מַתְנֵי הָכִי, בְּעָא מִינֵּיהּ רַבִּי מֵרַבִּי חִיָּיא: כְּגוֹן אֲנִי מַהוּ בְּשָׂעִיר? אֲמַר לֵיהּ: הָתָם ״שֵׁבֶט״, הָכָא ״מְחוֹקֵק״, וְתַנְיָא: ״לֹא יָסוּר שֵׁבֶט מִיהוּדָה״ – זֶה רֹאשׁ גּוֹלָה שֶׁבְּבָבֶל, שָׁרוֹדֶה אֶת יִשְׂרָאֵל בְּמַקֵּל; ״וּמְחוֹקֵק מִבֵּין רַגְלָיו״ – אֵלּוּ בְּנֵי בָנָיו שֶׁל הִלֵּל, שֶׁמְּלַמְּדִים תּוֹרָה לְיִשְׂרָאֵל בָּרַבִּים.

Rav Safra taught the exchange in **this** manner: **Rabbi** Yehuda HaNasi **raised a dilemma before Rabbi Ḥiyya:** In a case **where I** perform an unwitting transgression, **what is** the *halakha*: Would I be liable to atone **with a male goat** as a sin-offering because I am the *Nasi*, or is my atonement with a ewe or a female goat, like a commoner, because I am not the king? Rabbi Ḥiyya **said to him: There,** the Exilarch has authority that is represented by **a scepter; here,** in Eretz Yisrael, we have lesser authority, which is represented by **a staff. And it is taught** in a *baraita*: **"The scepter shall not depart from Judah"** (Genesis 49:10); **this** is a reference to **the Exilarch in Babylonia, who reigns over the Jewish people with a rod,** as he is authorized by the gentile monarchy to impose his will. **"Nor the ruler's staff from between his feet"** (Genesis 49:10); **these are the descendants of Hillel, who** serve in the role of the *Nasi* and **teach Torah to the Jewish people in public,** but who are not authorized by the government to impose their will.

HALAKHA

Kings of Israel and kings of the house of David – מַלְכֵי יִשְׂרָאֵל וּמַלְכֵי בֵּית דָּוִד: If there were several Jewish kings and none was subject to the authority of the others, the status of each is that of a *nasi*, and each brings a male goat as a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:6).

NOTES

We are subject to their authority – אֲנַן כְּיֵיפִינַן לְהוּ: Although the Sages said that the residents of Babylonia were subordinate to the residents of Eretz Yisrael, that was stated with regard to the interpretation of the Torah, as Eretz Yisrael was the center of Torah. The same was true with regard to ordination of Sages and sanctification of the months. But with regard to exercising authority, the Exilarch in Babylonia was superior to the *Nasi* (*Be'er Sheva*).

BACKGROUND

Exilarch in Babylonia – רֹאשׁ גּוֹלָה בְּבָבֶל: The Exilarch in Babylonia was a direct descendant of Jehoiachin, king of Judea, of the house of David. The rulers of Babylonia, including the Parthians, the Sassanid Persians, and later the Muslim Caliphate, all accorded the Exilarch the position of leadership over the Jews of the empire. In terms of rank, the Exilarch was at the third tier of government, just under the king's viceroy, with a power equal to that of the kingdom's other important ministers. The Exilarch's authority was substantial, and included the power to appoint judges and to enforce their decisions on the basis of a royal decree.

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BACKGROUND

High Priest consecrated by donning multiple garments – מְרוּבֶּה בִּבְגָדִים: During his service in the Temple, the High Priest wore eight garments. These are also referred to as the golden garments (see Exodus, chapter 28). Four of them, the breastplate, the ephod, the robe, and the frontplate, were unique to the High Priest. Four other garments, the trousers, the tunic, the sash, and the mitre, resembled those worn by ordinary priests. There was a dispute among the Sages as to whether or not the sash worn by the High Priest was identical to that worn by ordinary priests. It appears that the mitres differed, at least in the way they were worn.

Recreation of the High Priest's ephod in accordance with Rashi's opinion

MISHNA

מתני׳ וְאֵיזֶהוּ הַמָּשִׁיחַ? הַמָּשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה, לֹא הַמְרוּבֶּה בִּבְגָדִים. אֵין בֵּין כֹּהֵן הַמָּשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה לִמְרוּבֶּה בִּבְגָדִים – אֶלָּא פַּר הַבָּא עַל כָּל הַמִּצְוֹת.

And who is the anointed priest?[H] It is the High Priest **who is anointed with the anointing oil, not the** High Priest consecrated by donning **multiple garments,**[B] i.e., one who served after the anointing oil had been sequestered, toward the end of the First Temple period. **The difference between** a High **Priest anointed with the anointing oil**[H] **and** one consecrated by donning **multiple garments** unique to the High Priest **is only** that the latter does not bring the **bull that comes for** the transgression of **any of the mitzvot.**

וְאֵין בֵּין כֹּהֵן מְשַׁמֵּשׁ לְכֹהֵן שֶׁעָבַר – אֶלָּא פַּר יוֹם הַכִּיפּוּרִים וַעֲשִׂירִית הָאֵיפָה;

And the difference between a High **Priest** currently **serving** in that capacity **and a former** High **Priest**[H] who had temporarily filled that position while the High Priest was unfit for service **is only** with regard to the **bull** brought by the High Priest on **Yom Kippur and the tenth of an ephah** meal-offering brought by the High Priest daily. Each of these offerings is brought only by the current High Priest, and not by a former High Priest.

זֶה וְזֶה שָׁוִים בַּעֲבוֹדַת יוֹם הַכִּיפּוּרִים, וּמְצוּוִים עַל הַבְּתוּלָה, וְאֲסוּרִים עַל הָאַלְמָנָה, וְאֵינָם מְטַמְּאִים בִּקְרוֹבֵיהֶם, וְלֹא פוֹרְעִים וְלֹא פוֹרְמִים, וּמַחֲזִירִין הָרוֹצֵחַ.

Both **this** High Priest currently serving **and that** former High Priest **are equal with regard to** performing the rest of **the Yom Kippur service,**[H] **and they are** both **commanded with regard to** marrying **a virgin** (see Leviticus 21:13),[H] **and** it is **prohibited** for both **to** marry **a widow** (see Leviticus 21:14), **and they may not render themselves impure** with impurity imparted by a corpse even **in** the event that one of **their relatives** dies (see Leviticus 21:11),[H] **and they may not grow** their hair **long and they may not rend** their garments[H] as expressions of mourning (see Leviticus 21:10), **and** when they die **they restore the** unwitting **murderer** to his home[H] from the city of refuge (see Numbers 35:25).

HALAKHA

Who is the anointed priest – אֵיזֶהוּ הַמָּשִׁיחַ: The anointed priest with regard to unwitting transgressions is only a High Priest who was anointed with the anointing oil, not the High Priest consecrated by donning multiple garments (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:6).

The difference between a High Priest anointed with the anointing oil, etc. – אֵין בֵּין כֹּהֵן הַמָּשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה וכו׳: The difference between a High Priest anointed with the anointing oil and a High Priest consecrated by donning multiple garments is only with regard to an unwitting transgression performed on the basis of his own erroneous ruling: The anointed High Priest brings a bull, and the High Priest consecrated by donning multiple garments does not. With regard to all other matters, their status is equal (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 4:14).

A High Priest currently serving and a former High Priest – כֹּהֵן מְשַׁמֵּשׁ וְכֹהֵן שֶׁעָבַר: Even a former High Priest who performed a transgression unwittingly after he stepped down brings a bull as a sin-offering. The difference between them is only with regard to the bull of Yom Kippur and the daily tenth of an ephah meal-offering, which are sacrificed only by the current High Priest (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 15:7).

This and that are equal with regard to the Yom Kippur service – זֶה וְזֶה שָׁוִים בַּעֲבוֹדַת יוֹם הַכִּיפּוּרִים: The Temple service on Yom Kippur is performed exclusively by the High Priest. Whether he was anointed or consecrated by donning multiple garments, there is no difference (Rambam *Sefer Avoda*, *Hilkhot Avodat Yom HaKippurim* 1:2).

They are commanded with regard to a virgin, etc. – מְצוּוִים עַל הַבְּתוּלָה וכו׳: It is prohibited for an anointed High Priest, a High Priest consecrated by donning multiple garments, a current High Priest, a former High Priest, and a priest anointed for war to marry a widow. These priests are commanded to marry only a virgin (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 17:1).

They may not render themselves impure in the event that one of their relatives dies – אֵינָם מְטַמְּאִים בִּקְרוֹבֵיהֶם: It is prohibited by Torah law for a High Priest to become ritually impure, even if one of his close relatives dies (Rambam *Sefer Shofetim*, *Hilkhot Evel* 3:6).

They may not grow their hair long and they may not rend their garments – לֹא פוֹרְעִים וְלֹא פוֹרְמִים: It is prohibited for a High Priest to grow his hair long or to rend his garment in an expression of mourning (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 1:10).

And they restore the unwitting murderer to his home – וּמַחֲזִירִין הָרוֹצֵחַ: If an anointed High Priest, a High Priest consecrated by donning multiple garments, a current High Priest, or a former High Priest dies, unwitting murderers return home from the cities of refuge. The status of a priest anointed for war is like that of an ordinary priest in this regard (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 7:9).

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גמ׳ תָּנוּ רַבָּנַן: שֶׁמֶן הַמִּשְׁחָה שֶׁעָשָׂה מֹשֶׁה בַּמִּדְבָּר, הָיוּ שׁוֹלְקִים בּוֹ אֶת הָעִיקָּרִים, דִּבְרֵי רַבִּי יְהוּדָה; רַבִּי יוֹסֵי אוֹמֵר: וְהֲלֹא לָסוּךְ אֶת הָעִקָּרִים אֵינוֹ סוֹפֵק! אֶלָּא שׁוֹרִין אֶת הָעִקָּרִים בַּמַּיִם, וּמֵציף עָלָיו שֶׁמֶן וְקוֹלֵט אֶת הָרֵיחַ וְקִפְּחוֹ.

GEMARA **The Sages taught:** To blend **the anointing oil that Moses prepared in the wilderness, they would boil in** the oil **the roots** of the spices in the quantities enumerated in the verse; this is **the statement of Rabbi Yehuda. Rabbi Yosei says: But isn't** that amount of oil **insufficient** even **to smear on the roots** of those spices, as the oil would be absorbed into the roots? How then could the roots be boiled in the oil? **Rather, they soak the roots in water.**[H] Once the roots are waterlogged, they do not absorb the oil. The fragrance of the spices gradually rises **and they float oil on** the water[B] **and** the oil **absorbs the fragrance. And** at that point, **one removed** the oil [***vekippeḥo***][L] from the water, and that was the anointing oil.

אָמַר לוֹ רַבִּי יְהוּדָה: וְכִי נֵס אֶחָד נַעֲשָׂה בְּשֶׁמֶן הַמִּשְׁחָה? וַהֲלֹא תְּחִלָּתוֹ שְׁנֵים עָשָׂר לוּגִּין, וּמִמֶּנּוּ הָיָה נִמְשָׁח מִשְׁכָּן וְכֵלָיו אַהֲרֹן וּבָנָיו כָּל שִׁבְעַת יְמֵי הַמִּלּוּאִים, וְכוּלּוֹ קַיָּים לָעָתִיד לָבוֹא, שֶׁנֶּאֱמַר: ״שֶׁמֶן מִשְׁחַת קֹדֶשׁ יִהְיֶה זֶה לִי לְדֹרֹתֵיכֶם״.

Rabbi Yehuda said to him: And was it merely **one miracle** that was **performed**[N] **with regard to the anointing oil? But wasn't it initially** only **twelve *log*,**[B] **and from it the Tabernacle, and its vessels, Aaron, and his sons** were **anointed** for the **entire seven days of inauguration,**[B] **and all of it** remains **in existence for the future, as it is stated: "This shall be a sacred anointing oil unto Me throughout your generations"** (Exodus 30:31)? Since the entire existence of the anointing oil is predicated on miracles, it is no wonder that its preparation also involved a miracle.

תַּנְיָא אִידָךְ: ״וַיִּקַּח מֹשֶׁה אֶת שֶׁמֶן הַמִּשְׁחָה וַיִּמְשַׁח [אֶת] הַמִּשְׁכָּן [וְאֶת] כָּל אֲשֶׁר בּוֹ״ – רַבִּי יְהוּדָה אוֹמֵר: שֶׁמֶן הַמִּשְׁחָה שֶׁעָשָׂה מֹשֶׁה בַּמִּדְבָּר, כַּמָּה נִסִּים נַעֲשׂוּ בּוֹ מִתְּחִלָּה וְעַד סוֹף, תְּחִלָּתוֹ לֹא הָיָה אֶלָּא שְׁנֵים עָשָׂר לוּגִּין, רְאֵה כַּמָּה יוֹרֶה בּוֹלַעַת וְכַמָּה עִקָּרִים בּוֹלְעִים וְכַמָּה הָאוּר שׂוֹרֵף, וּבוֹ נִמְשַׁח מִשְׁכָּן וְכֵלָיו וְאַהֲרֹן וּבָנָיו כָּל שִׁבְעַת יְמֵי הַמִּלּוּאִים, וּבוֹ נִמְשְׁחוּ כֹּהֲנִים גְּדוֹלִים וּמְלָכִים.

It is taught in **another** *baraita*: **"And Moses took the anointing oil, and anointed the Tabernacle and all that was in it** and sanctified them" (Leviticus 8:10). **Rabbi Yehuda says:** With regard to **the anointing oil that Moses prepared in the wilderness, how many miracles were performed in its** regard continuously, **from beginning to end? Initially it was only twelve *log*. Consider how much** oil **a pot absorbs,**[B] **and how much** oil is **absorbed by the roots, and how much** oil **the fire burns, and** yet **the Tabernacle, and its vessels, Aaron, and his sons** were **anointed with it** for the **entire seven days of inauguration, and High Priests and kings were anointed with it** throughout the generations.

וַאֲפִילּוּ כֹּהֵן גָּדוֹל בֶּן כֹּהֵן גָּדוֹל טָעוּן מְשִׁיחָה, וְאֵין מוֹשְׁחִים מֶלֶךְ בֶּן מֶלֶךְ; וְאִם תֹּאמַר: מִפְּנֵי מָה מָשְׁחוּ אֶת שְׁלֹמֹה? מִפְּנֵי מַחֲלוֹקְתּוֹ שֶׁל אֲדוֹנִיָּה, וְאֶת יוֹאָשׁ – מִפְּנֵי עֲתַלְיָה, וְאֶת יְהוֹאָחָז – מִפְּנֵי יְהוֹיָקִים, שֶׁהָיָה גָּדוֹל מִמֶּנּוּ שְׁתֵּי שָׁנִים; וְאוֹתוֹ שֶׁמֶן קַיָּים לָעָתִיד לָבוֹא, שֶׁנֶּאֱמַר: ״שֶׁמֶן מִשְׁחַת קֹדֶשׁ יִהְיֶה זֶה לִי לְדֹרֹתֵיכֶם״, ״זֶה״ – בְּגִימַטְרִיָּא שְׁנֵים עָשָׂר לוּגִּין הָווּ.

Apropos the anointing oil, the *baraita* continues: **And even a High Priest, son of a High Priest,**[H] **requires anointing, but one does not anoint a king, son of a king.**[H] **And if you say: For what** reason **did they anoint King Solomon** (see 1 Kings, chapter 1), who was the son of a king? It was **due to the challenge of Adonijah,** who sought to succeed their father David as king. **And** they anointed **Joash due to Athaliah** (see 11 Kings, chapter 11). **And** they anointed **Jehoahaz due to Jehoiakim, who was two years older than he** was (see 11 Kings 23:30). In all these cases, it was necessary to underscore that these men were crowned king. **And that oil remains in existence for the future, as it is stated: "This** [***zeh***] **shall be a sacred anointing oil unto Me throughout your generations"** (Exodus 30:31). **The numerical value of *zeh* is twelve *log*,** indicating that this amount of oil remains intact despite its use.

אָמַר מָר: וַאֲפִילּוּ כֹּהֵן גָּדוֹל בֶּן כֹּהֵן גָּדוֹל טָעוּן מְשִׁיחָה. מְנָלָן? דִּכְתִיב: ״וְהַכֹּהֵן הַמָּשִׁיחַ תַּחְתָּיו מִבָּנָיו״, נִיתְּנֵי קְרָא ״וְהַכֹּהֵן מִתַּחְתָּיו מִבָּנָיו״, מַאי ״הַמָּשִׁיחַ״? קָא מַשְׁמַע לָן, דִּמְבָנָיו דִּכֹהֵן גָּדוֹל אִי הָוֵי מָשִׁיחַ – הָוֵי כֹּהֵן גָּדוֹל, וְאִי לָא – לָא הָוֵי כֹּהֵן גָּדוֹל.

§ The Gemara analyzes the *baraita*. **The Master said: And even a High Priest, son of a High Priest, requires anointing.** The Gemara asks: **From where do we** derive this *halakha*? It is derived from a verse, **as it is written: "And the anointed priest that shall be in his stead from among his sons"** (Leviticus 6:15). **Let the verse say** only: **The priest that shall be in his stead from among his sons. What** is the reason that it says: **"The anointed** priest"? The Torah **teaches us that** even **from among the sons of a High Priest, if he is anointed** with oil **he is a High Priest, and if not, he is not a High Priest.**

BACKGROUND

Float oil on the water – מֵצִיף עָלָיו שֶׁמֶן: This method of producing fragrant oil, which is described by Rabbi Yosei and which the Rambam mentions in the *Mishne Torah*, remains the accepted manner of producing aromatic oils even today. One cooks or soaks the fragrant plant, from which the fragrance is produced, in water. The fragrant element, usually etheric oil, is extracted into the water, and since its density is lower than that of water it floats to the top. A layer of oil is poured over the water and absorbs the fragrance. That oil is then utilized as a component of various perfumes and lotions.

***Log* – לוג:** This is the basic measure for liquids that was used by the Sages. It is equivalent to the volume of six eggs, one-quarter of a *kav*, or one twenty-fourth of a *se'a*. A range of modern opinions estimate this volume as being between 300 and 600 ml.

Seven days of inauguration – שִׁבְעַת יְמֵי הַמִּלּוּאִים: This term refers to the week of preparation after the construction of the Tabernacle was complete (see Leviticus 8:33). During these days the structure and its utensils were sanctified for service, as were Aaron and his sons. The Tabernacle was erected on the first of Nisan in the second year after the exodus from Egypt. For seven days prior to that, from the twenty-third to the twenty-ninth of Adar, Aaron the High Priest and his sons remained in the courtyard of the Tabernacle. There, the men and items were anointed with the specially prepared oil. Sacrifices were offered to mark the consecration of the Tabernacle. On each of the seven days Moses assembled the structure, immersed the men in a ritual bath, and dressed them in their priestly vestments.

How much a pot absorbs – כַּמָּה יוֹרֶה בּוֹלַעַת: In every cooking process, a certain amount of the matter being cooked is inevitably lost. Some evaporates and some may be absorbed by the vessel. Additionally, when plant roots are boiled in oil, some of the oil is absorbed into the roots.

LANGUAGE

Removed [*kippe'aḥ*] – קִפַּח: Apparently, the verb *kapaḥ* is employed here in the sense of the Hebrew verb *kafa*, meaning to float. In this context, the reference is to removing the outer layer that floats atop a soup or stew. Here too, the layer of oil floating on the water is removed.

NOTES

And was one miracle performed – וְכִי נֵס אֶחָד נַעֲשָׂה: The commentaries explain that Rabbi Yosei does not disagree that miracles were performed in connection with the anointing oil. Rather, Rabbi Yosei believes that even in a case of miracles, one should not rely on them.

HALAKHA

They soak the roots in water – שׁוֹרִין אֶת הָעִיקָּרִים בַּמַּיִם: When Moses prepared the anointing oil, first all the requisite spices were mixed in clear water until the fragrance was absorbed by the water. Then a *hin* of olive oil was placed in the water until it absorbed the fragrance from the water, after which the water was removed and the oil remained (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 1:2).

High Priest son of a High Priest – כֹּהֵן גָּדוֹל בֶּן כֹּהֵן גָּדוֹל: When the anointing oil was available, all High Priests were anointed with it, even the son of a High Priest who was appointed in his father's stead (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 1:7).

King son of a king – מֶלֶךְ בֶּן מֶלֶךְ: A king who is the son of an anointed king is not anointed. If there was a dispute involved, the people would anoint him in order to underscore that he was the one who would succeed his father (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 1:12).

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אָמַר מָר: וְאֵין מוֹשְׁחִין מֶלֶךְ בֶּן מֶלֶךְ. מְנָלַן? אֲמַר רַב אַחָא בַּר יַעֲקֹב, דִּכְתִיב: ״לְמַעַן יַאֲרִיךְ יָמִים עַל מַמְלַכְתּוֹ״ וגו׳, יְרוּשָּׁה הִיא לָכֶם. וּמְנָלַן דְּכִי אִיכָּא מַחֲלוֹקֶת בָּעֵי מְשִׁיחָה, וְלָאו כָּל דְּבָעֵי מַלְכָּא מוֹרִית מַלְכוּתָא לִבְנֵיהּ? אֲמַר רַב פַּפָּא, אָמַר קְרָא: ״הוּא וּבָנָיו בְּקֶרֶב יִשְׂרָאֵל״, בִּזְמַן שָׁשָׁלוֹם בְּיִשְׂרָאֵל קָרֵינָא בֵּיהּ ״הוּא וּבָנָיו״, וְאֶפִילּוּ בְּלֹא מְשִׁיחָה.

The Master said: But one does not anoint a king, son of a king. The Gemara asks: **From where do we** derive this *halakha*? **Rav Aḥa bar Ya'akov said** that it is derived from a verse, **as it is written: "So that he may prolong his days in his kingdom,** he and his sons, in the midst of Israel" (Deuteronomy 17:20). His children are mentioned in the verse in order to teach them: The kingdom **is an inheritance for you.** The Gemara asks: **And from where do we** derive **that when there is a dispute** with regard to succession, the king **requires anointing, and** it is **not** that **whenever the king wishes** he can **bequeath the kingdom to his son** without anointing him? **Rav Pappa said** that **the verse states: "He and his sons, in the midst of Israel." When there is peace in Israel we read concerning him: "He and his sons," even without anointing;** but when there is dispute, anointing is required.

תָּנָא: אַף יֵהוּא בֶּן נִמְשִׁי לֹא נִמְשַׁח אֶלָּא מִפְּנֵי מַחֲלוֹקְתּוֹ שֶׁל יוֹרָם. וְתֵיפּוֹק לֵיהּ מִשּׁוּם דְּרַאשׁוֹן הוּא! חַסּוּרֵי מִחַסְּרָא וְהָכִי קָתָנֵי: מַלְכֵי בֵּית דָּוִד מְשׁוּחִין, מַלְכֵי יִשְׂרָאֵל אֵין מְשׁוּחִין. מְנָלַן? אֲמַר רָבָא, אָמַר קְרָא: ״קוּם מְשָׁחֵהוּ כִּי זֶה״ וגו׳, זֶה טָעוּן מְשִׁיחָה וְאֵין אַחֵר טָעוּן מְשִׁיחָה.

It is **taught: Even Jehu, son of Nimshi,** king of Israel, **was anointed only due to the challenge of Joram** (see II Kings 9:1–14). The Sages challenge: **And let him derive** that Jehu was anointed **due to** the fact **that he** was the **first** of his dynasty and was not the son of a king. The Gemara answers: The *baraita* **is incomplete and this** is what **it is teaching: Kings of the house of David are anointed;**[H] **kings of Israel are not anointed.** The Gemara asks: **From where do we** derive this? **Rava said** that **the verse states: "Arise, anoint him, for this** is he" (I Samuel 16:12), from which it is derived: **This** king, David, **requires anointing, but another** king **does not require anointing.**

אָמַר מָר: אַף יֵהוּא בֶּן נִמְשִׁי לֹא נִמְשַׁח אֶלָּא מִפְּנֵי מַחֲלוֹקְתּוֹ שֶׁל יוֹרָם. וּמִשּׁוּם מַחֲלוֹקְתּוֹ שֶׁל יוֹרָם בֶּן אַחְאָב נִמְעוֹל בַּשֶּׁמֶן? כִּדְאָמַר רַב פַּפָּא: בַּאֲפַרְסְמָא דַּכְיָא, הָכִי נַמִי בַּאֲפַרְסְמָא דַּכְיָא.

The Gemara analyzes the *baraita*. **The Master said: Even Jehu, son of Nimshi,** king of Israel, **was anointed only due to the challenge of Joram.** The Gemara asks: **And due to the challenge of Joram, son of Ahab, shall we misuse consecrated anointing oil** and anoint a king of Israel, who does not require anointing? The Gemara answers that it is **like** that **which Rav Pappa said** in another context: They anointed him **with pure balsam**[B] oil, not with anointing oil. **So too,** with regard to Jehu, they anointed him **with pure balsam** oil,[H] not with anointing oil.

וְאֶת יְהוֹאָחָז מִפְּנֵי יְהוֹיָקִים, שֶׁהָיָה גָּדוֹל מִמֶּנּוּ שְׁתֵּי שָׁנִים. וּמִי קַשְׁיָא מִינַּיהּ? וְהָכְתִיב: ״וּבְנֵי יֹאשִׁיָּהוּ הַבְּכוֹר יוֹחָנָן הַשֵּׁנִי יְהוֹיָקִים הַשְּׁלִישִׁי צִדְקִיָּהוּ הָרְבִיעִי שַׁלּוּם״, וְאָמַר רַבִּי יוֹחָנָן: הוּא שַׁלּוּם הוּא צִדְקִיָּהוּ הוּא יוֹחָנָן הוּא יְהוֹאָחָז! לְעוֹלָם יְהוֹיָקִים קַשִּׁישׁ, וּמַאי ״בְּכוֹר״? בְּכוֹר לַמַּלְכוּת.

The *baraita* teaches: **And** they anointed **Jehoahaz due to Jehoiakim, who was two years older than he** was. The Gemara asks: **And was** Jehoiakim **older than** Jehoahaz? **But isn't it written: "And the sons of Josiah: The firstborn Johanan, the second Jehoiakim, the third Zedekiah, the fourth Shallum"** (I Chronicles 3:15), **and Rabbi Yoḥanan says: He is Shallum, he is Zedekiah;** these are two names for one person. Likewise, **he is Johanan, he is Jehoahaz,** who is mentioned in the book of Kings. Since Jehoahaz was the eldest, why was it necessary to anoint him? The Gemara answers: **Actually, Jehoiakim** was **older** than Jehoahaz. **And what** is the meaning of the term "**firstborn**" written with regard to Jehoahaz? It means that his status was like that of **a firstborn** in terms of ascent **to the kingship.**

וּמִי מָלְכִי זוּטְרֵי מִקַּמֵּי קַשִּׁישֵׁי? וְהָא כְּתִיב: ״וְאֶת הַמַּמְלָכָה נָתַן לִיהוֹרָם״ כִּי הוּא הַבְּכוֹר! יְהוֹרָם מְמַלֵּא מְקוֹם אֲבוֹתָיו הֲוָה, יְהוֹיָקִים לָאו מְמַלֵּא מְקוֹם אֲבוֹתָיו הֲוָה.

The Gemara asks: **And do younger** sons **rule before elder** sons? **But isn't it written: "And the kingdom he gave to Jehoram, because he was the firstborn"** (II Chronicles 21:3). The Gemara answers: **Jehoram was a surrogate for his ancestors**[H] as he was suited to serve as king, so since he was firstborn, he ascended to the throne. **Jehoiakim was not a surrogate for his ancestors;** he was not suited to serve as king. Therefore, his brother ascended to the throne before him.

אָמַר מָר: הוּא שַׁלּוּם הוּא צִדְקִיָּהוּ הוּא יוֹחָנָן הוּא יְהוֹאָחָז. וְהָא חַד חַד קָא חָשֵׁיב, דִּכְתִיב: ״הַשְּׁלִישִׁי...הָרְבִיעִי״! מַאי שְׁלִישִׁי? שְׁלִישִׁי לַבָּנִים, וּמַאי ״רְבִיעִי״? רְבִיעִי לַמַּלְכוּת, דְּמֵעִיקָּרָא מָלַךְ יְהוֹאָחָז וּלְבַסּוֹף יְהוֹיָקִים וּלְבַסּוֹף יְכָנְיָה וּלְבַסּוֹף צִדְקִיָּהוּ.

The Master said: He is Shallum, he is Zedekiah; he is Johanan, he is Jehoahaz. The Gemara asks: **But doesn't** the verse **enumerate them individually, as it is written: "The third** Zedekiah, **the fourth** Shallum," indicating that they are two people? The Gemara answers: **What** is the meaning of **third?** It means the **third among the sons. And what** is the meaning of **fourth?** It means the **fourth** to ascend **to the kingship.** How so? **Initially, Jehoahaz reigned, and ultimately,** after him, **Jehoiakim, and ultimately,** after him, **Jeconiah,** son of Jehoiakim, **and ultimately,** after him, **Zedekiah,** who was fourth to the kingship.

HALAKHA

Kings of the house of David are anointed – מַלְכֵי בֵּית דָּוִד מְשׁוּחִין: Only High Priests, priests anointed for war, and kings of the house of David are anointed with the anointing oil. Kings of Israel are not anointed (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 1:10).

With pure balsam oil – בַּאֲפַרְסְמָא דַּכְיָא: When one who is not from the house of David is anointed king of Israel, he is not anointed with anointing oil. Instead, they use balsam oil (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 1:10).

Surrogate for his ancestors – מְמַלֵּא מְקוֹם אֲבוֹתָיו: When a High Priest or a king or any other person filling a position of leadership among the Jewish people dies, his son or heir succeeds him. This is the case when the son is able to fill his father's position in terms of the wisdom he possesses, or at least in terms of his ability to engender fear of Heaven in the people (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 1:7).

BACKGROUND

Balsam [*afarsemon*] – אֲפַרְסְמוֹן: According to many scholars, the *tzori* that is mentioned in the Torah is balsam, particularly the Arabian balsam tree, *Commiphora opobalsamum*, which reaches 3–5 m in height. The tree has extremely thin branches, complex leaves, and small white flowers.

While the highest-quality balsamic perfume is sap that drips in small amounts from the ends of the stems, the perfume is more commonly extracted by boiling the branches. After a time, the balsam sap evaporates, leaving a sticky residue. The residue was used for medicinal purposes in addition to its uses as incense and as fragrant oil.

During the Second Temple period, the finest balsam grew in the Jordan Valley. It was so highly valued that it was literally worth its weight in gold.

Balsam branch and leaves

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תָּנוּ רַבָּנַן: הוּא שַׁלּוּם הוּא צִדְקִיָּהוּ, וְלָמָּה נִקְרָא שְׁמוֹ שַׁלּוּם? שֶׁהָיָה מְשׁוּלָּם בְּמַעֲשָׂיו. אִיכָּא דְּאָמְרִי: שַׁלּוּם – שֶׁשְּׁלֵמָה מַלְכוּת בֵּית דָּוִד בְּיָמָיו, וּמַה שְּׁמוֹ? מַתַּנְיָה שְׁמוֹ, שֶׁנֶּאֱמַר: ״וַיַּמְלֵךְ מֶלֶךְ בָּבֶל אֶת מַתַּנְיָה דֹּדוֹ תַּחְתָּיו וַיַּסֵּב אֶת שְׁמוֹ צִדְקִיָּהוּ״, אֲמַר לֵיהּ: יְהֵא יְצִדְּיק עָלֶיךָ אֶת הַדִּין אִם תִּמְרוֹד בִּי, (שֶׁנֶּאֱמַר: ״ויבאהו בבלה״), וּכְתִיב: ״וְגַם בַּמֶּלֶךְ נְבוּכַדְנֶצַּר מָרַד אֲשֶׁר הִשְׁבִּיעוֹ בֵּאלֹהִים״.

The Sages taught: He is Shallum, he is Zedekiah. And why was he called Shallum? It is **due to** the fact **that he was perfect** [*meshullam*] **is his actions. Some say:** He was called **Shallum because the kingdom of the house of David was concluded** [*sheshalema*] **during his days. And what** was **his** actual **name? Mattaniah** was **his name, as it is stated: "And the king of Babylon crowned Mattaniah his uncle in his stead, and changed his name to Zedekiah"** (II Kings 24:17). Why did Nebuchadnezzar call him Zedekiah? **He said to him: God will justify the judgment against you if you rebel against me; and it is written: "And he also rebelled against King Nebuchadnezzar, who had imposed upon him an oath by God"** (II Chronicles 36:13).

Perek **III**
Daf **12** Amud **a**

וּמִי הֲוָה שָׁמֵן הַמִּשְׁחָה? וְהָתַנְיָא: מְשֻׁנְּגָנוּ אָרוֹן, נִגְנַז שֶׁמֶן הַמִּשְׁחָה וְצִנְצֶנֶת הַמָּן, וּמַקְלוֹ שֶׁל אַהֲרֹן שְׁקֵדִיָּה וּפָרְחָיָה, וְאַרְגָּז שֶׁשָּׁלְחוּ פְּלִשְׁתִּים דּוֹרוֹן לְיִשְׂרָאֵל, שֶׁנֶּאֱמַר: ״וְאֶת כְּלֵי הַזָּהָב אֲשֶׁר הֲשֵׁבֹתֶם לוֹ אָשָׁם תְּשִׂימוּ בָּאַרְגַּז מִצִּדּוֹ וְשִׁלַּחְתֶּם אֹתוֹ וְהָלָךְ״,

The Gemara asks with regard to the fact that Jehoahaz was anointed: **And was there anointing oil** during the days of Jehoahaz? **But isn't it taught** in a *baraita*: **When the Ark of the Covenant was sequestered, the anointing oil, and the jar of *manna*** (see Exodus 16:33), **and Aaron's staff** with **its almonds and blossoms** (see Numbers 17:23), **and the chest that the Philistines sent** as **a gift to Israel,** were all **sequestered** with it, **as it is stated:** "And you shall take the Ark of the Lord, and lay it upon the cart, **and put the vessels of gold that you return Him as a guilt-offering in a chest by its side and send it away that it may go"** (I Samuel 6:8).

וּמִי גְּנָזוֹ? יֹאשִׁיָּהוּ מֶלֶךְ יְהוּדָה גְּנָזוֹ, שֶׁרָאָה שֶׁכָּתוּב בַּתּוֹרָה: ״יוֹלֵךְ ה׳ אֹתְךָ וְאֶת מַלְכְּךָ״ וגו׳, צְוָה וְגִנְזוּם, שֶׁנֶּאֱמַר: ״וַיֹּאמֶר לַלְוִיִּם הַמְבִינִים לְכָל יִשְׂרָאֵל הַקְּדוֹשִׁים לַה׳ תְּנוּ אֶת אֲרוֹן הַקֹּדֶשׁ בַּבַּיִת אֲשֶׁר בָּנָה שְׁלֹמֹה בֶן דָּוִד מֶלֶךְ יִשְׂרָאֵל אֵין לָכֶם מַשָּׂא בַּכָּתֵף עַתָּה עִבְדוּ אֶת ה׳ אֱלֹהֵיכֶם וְאֶת עַמּוֹ יִשְׂרָאֵל״,

And who sequestered the Ark? **Josiah, king of Judea, sequestered it, as he saw that it is written in the Torah** in the portion of rebuke: "**The Lord will lead you, and your king** whom you shall establish over you, unto a nation that you have not known" (Deuteronomy 28:36). **He commanded and** the people **sequestered them, as it is stated: "And he said to the Levites who taught all Israel, and who were sacred unto the Lord: Place the sacred Ark in the room that Solomon, son of David, king of Israel built; there shall be no more burden upon your shoulders. Now serve the Lord your God and His people Israel"** (II Chronicles 35:3).

וְאָמַר רַבִּי אֶלְעָזָר: אָתְיָא שָׁם שָׁם, אָתְיָא מִשְׁמֶרֶת מִשְׁמֶרֶת, אָתְיָא דּוֹרוֹת דּוֹרוֹת! אֲמַר רַב פַּפָּא: בַּאֲפַרְסְמָא דְּכָיָא.

And Rabbi Elazar says: One derives a verbal analogy between the term: **There,** written with regard to the Ark (see Exodus 29:43), and the term: **There,** written with regard to the jar of *manna* (see Exodus 16:33); and between the term: **Keepsake,** written with regard to the jar of *manna* (see Exodus 16:33), and the term: **Keepsake,** written with regard to Aaron's staff (see Numbers 17:25–26); and between the term: **Generations,** written with regard to the jar of *manna* (see Exodus 16:33), and the term: **Generations,** written with regard to the anointing oil (see Exodus 30:31). By means of these verbal analogies it is derived that all of these items were sequestered. **Rav Pappa said:** They anointed Jehoahaz **with pure balsam** oil, not with anointing oil.

תָּנוּ רַבָּנַן: כֵּיצַד מוֹשְׁחִין אֶת הַמְּלָכִים? כְּמִין נֵזֶר, וְאֶת הַכֹּהֲנִים? כְּמִין כִּי. מַאי כְּמִין כִּי? אֲמַר רַב מְנַשְׁיָא בַּר גַּדָּא: כְּמִין כַּף יְוָנִי.

§ **The Sages taught: How does one anoint**[H] **the kings?** One smears the oil in a manner that is **similar to** the form of **a crown** around his head. **And** how does one anoint **the priests?** One smears the oil in a shape **like** the Greek letter **chi.**[L] The Gemara asks: **What** is the meaning of: **Like** the Greek letter **chi? Rav Menashya bar Gadda said: Like** the **Greek** equivalent of the Hebrew letter ***kaf.***

HALAKHA

How does one anoint – כֵּיצַד מוֹשְׁחִין: How does one anoint a priest? First one pours oil on the head of the one being anointed, and then he smears some of the oil on the eyes of the one being anointed, in accordance with the first *baraita* (*Kesef Mishne*). The oil is smeared in the shape of the Greek letter chi, **X**. One anoints a king from the house of David making the shape of a crown on his head (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 1:9).

LANGUAGE

Chi – כִּי: Chi is the twenty-second letter of the Greek alphabet and it is shaped like the Roman letter X. There is no letter with this shape in the Hebrew alphabet, and therefore the Gemara cites the Greek letter **X** in order to illustrate the shape. Throughout the generations when the Greek language was no longer prevalent, the commentaries suggested different theories as to what this shape was. Based on the shape of the letter, it stands to reason that the anointing would begin between the eyelashes and continue in a diagonal line toward the top of the head.

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BACKGROUND

Misuse of consecrated property – מְעִילָה: The *halakhot* of misuse of consecrated property are stated in the Torah (Leviticus 5:14–16) and are discussed in great detail in tractate *Me'ila*. The basic principle is that one who derives benefit from consecrated property unwittingly, i.e., without knowledge that it is consecrated property, violates this prohibition. One who does so is obligated to bring an offering and to pay the Temple the value of the item from which he derived benefit. In addition, he must pay a penalty of one-fifth of the value of the item. After one uses consecrated property it loses its consecrated status, and that status is transferred to the money paid to the Temple. The Torah does not discuss the *halakha* of one who intentionally misuses consecrated property. Therefore, one cannot atone for this misuse through bringing an offering or paying the penalty of one-fifth of the value.

HALAKHA

Only upon a spring – אֶלָּא עַל הַמַּעְיָן: The anointment of a king from the house of David must take place adjacent to a spring (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 1:11 and *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 1:11).

NOTES

Let him light a lamp – נֵיתֵּי שְׁרָגָא: The lamp symbolizes the soul, based on the verse in Proverbs (20:27): "The spirit of man is the lamp of the Lord" (*Magen Gibborim*).

If its light continues to burn – אִי מָשֵׁיךְ נְהוֹרֵיהּ: Rashi explains: If the light of the lamp continues, means: If all the oil in the lamp is burned up. The Ramah explains that it means: If the flame burns straight and steady, and does not move while it is burning.

Let him raise a rooster – לֵירַבֵּי תַּרְנְגוֹלָא: The reason that a rooster is an omen is that it is also called *gever*, meaning man (*Magen Gibborim*).

תָּנֵי חֲדָא: בִּתְחִלָּה מוֹצְקִין שֶׁמֶן עַל רֹאשׁוֹ, וְאַחַר כָּךְ נוֹתְנִין לוֹ שֶׁמֶן בֵּין רֵיסֵי עֵינָיו, וְתַנְיָא אַחֲרִיתִי: בִּתְחִלָּה נוֹתְנִין לוֹ שֶׁמֶן בֵּין רֵיסֵי עֵינָיו, וְאַחַר כָּךְ מוֹצְקִים לוֹ שֶׁמֶן עַל רֹאשׁוֹ! תַּנָּאֵי הִיא, אִיכָּא דְּאָמְרִי: מְשִׁיחָה עֲדִיפָא, וְאִיכָּא דְּאָמְרִי: יְצִיקָה עֲדִיפָא.

It is taught in **one** *baraita*: **Initially, they pour oil on** the priest's **head, and thereafter, they place oil for him between the lashes of his eyes. And it is taught** in **a different** *baraita*: **Initially, they place oil for him between the lashes of his eyes, and thereafter, they pour oil on his head.** The Gemara explains: **It is** a dispute between ***tanna'im*. Some say: Anointing** with oil between his eyes **is preferable** and takes precedence, **and some say: Pouring** oil on his head **is preferable** and takes precedence.

מַאי טַעְמָא דְּמַאן דְּאָמַר יְצִיקָה עֲדִיפָא? דִּכְתִיב: "וַיִּצֹק מִשֶּׁמֶן הַמִּשְׁחָה עַל רֹאשׁ אַהֲרֹן וַיִּמְשַׁח אֹתוֹ לְקַדְּשׁוֹ". וּמַאן דְּאָמַר מְשִׁיחָה עֲדִיפָא, מַאי טַעְמָא? קָסָבַר: שֶׁבֵּן אַתָּה מוֹצֵא אֵצֶל כְּלֵי שָׁרֵת. וְהָכְתִיב "וַיִּצֹק", וּבְסוֹף "וַיִּמְשַׁח"! הָכִי קָאָמַר: מַאי טַעַם "וַיִּצֹק"? מְשׁוּם דְּ"וַיִּמְשַׁח".

What is the reason for the opinion **of the one who said** that **pouring** oil on his head **is preferable?** It is **as it is written: "And he poured from the anointing oil upon Aaron's head and anointed him to sanctify him"** (Leviticus 8:12), indicating that pouring precedes anointing. **And the one who said** that **anointing is preferable** and takes precedence, **what is the reason** for his opinion? **He holds:** Anointing takes precedence **as** that is what **you find with regard to service vessels** (see Numbers 7:1). They were anointed, but the anointing oil was not poured on them. The Gemara asks: **But isn't it written** with regard to the priests: **"And he poured," and ultimately: "And anointed"?** The Gemara answers: **This** is what the verse **is saying: What is the reason** that **he poured** the oil? It is **due to** the fact **that he** had already **anointed** them. Anointing is the primary component of the process.

תָּנוּ רַבָּנַן: "כַּשֶּׁמֶן הַטּוֹב [וגו'] יֹרֵד עַל הַזָּקָן זְקַן אַהֲרֹן" וגו' – כְּמִין שְׁנֵי טִפֵּי מַרְגָּלִיּוֹת הָיוּ תְּלוּיוֹת לְאַהֲרֹן בִּזְקָנוֹ. אָמַר רַב פַּפָּא, תָּנָא: כְּשֶׁהוּא מְסַפֵּר, עוֹלוֹת וְיוֹשְׁבוֹת לוֹ בְּעִיקַּר זְקָנוֹ, וְעַל דָּבָר זֶה הָיָה מֹשֶׁה דּוֹאֵג, אָמַר: שֶׁמָּא חַס וְשָׁלוֹם מָעַלְתִּי בְּשֶׁמֶן הַמִּשְׁחָה? יָצְתָה בַּת קוֹל וְאָמְרָה: "כַּשֶּׁמֶן הַטּוֹב וגו' כְּטַל חֶרְמוֹן", מַה טַּל חֶרְמוֹן אֵין בּוֹ מְעִילָה, אַף שֶׁמֶן הַמִּשְׁחָה שֶׁבִּזְקַן אַהֲרֹן אֵין בּוֹ מְעִילָה.

The Sages taught: "It is like the precious oil upon the head coming down upon the beard, Aaron's beard, that comes down upon the collar of his garments" (Psalms 133:2). **Two drops** of anointing oil, **shaped like pearls, were suspended for Aaron from his beard. Rav Pappa said** that it is **taught: When** Aaron would **speak** and his beard would move, those drops would miraculously **rise and settle on the roots of his beard** so that they would not fall. **Moses was concerned about this matter. He said: Perhaps, Heaven forfend, I misused** the consecrated **anointing oil** and poured more than necessary, as two additional drops remain? **A Divine Voice emerged and said: "It is like the precious oil** upon the head coming down upon the beard, Aaron's beard, that comes down upon the collar of his garments. **Like the dew of Hermon"** (Psalms 133:2–3). This analogy teaches: **Just as there is no misuse of the dew of Hermon,** which is not consecrated, **so too,** with regard to **the anointing oil that is on Aaron's beard, there is no misuse** of consecrated property.[B]

וַעֲדַיִין הָיָה אַהֲרֹן דּוֹאֵג, אָמַר: שֶׁמָּא מֹשֶׁה לֹא מָעַל, אֲבָל אֲנִי מָעַלְתִּי? יָצְתָה בַּת קוֹל וְאָמְרָה לוֹ: "הִנֵּה מַה טּוֹב וּמַה נָּעִים שֶׁבֶת אַחִים גַּם יָחַד", מַה מֹּשֶׁה לֹא מָעַל, אַף אַתָּה לֹא מָעַלְתָּ.

And still Aaron was concerned. He said: Perhaps Moses did not misuse consecrated property; **but** perhaps **I misused** consecrated property, as the additional oil is on my beard and I enjoy it. **A Divine Voice emerged and said: "Behold, how good and how pleasant it is for brothers to dwell together in unity"** (Psalms 133:1). **Just as** your brother **Moses did not misuse** consecrated property, **so too, you did not misuse** consecrated property.

תָּנוּ רַבָּנַן: אֵין מוֹשְׁחִים אֶת הַמְּלָכִים אֶלָּא עַל הַמַּעְיָן, כְּדֵי שֶׁתִּתְמַשֵּׁךְ מַלְכוּתָם, שֶׁנֶּאֱמַר: "וַיֹּאמֶר הַמֶּלֶךְ לָהֶם קְחוּ עִמָּכֶם אֶת עַבְדֵי אֲדֹנֵיכֶם [וגו'] וְהוֹרַדְתֶּם אֹתוֹ אֶל גִּחוֹן".

The Sages taught: One anoints the kings only upon a spring,[H] as an omen, **so that their kingdom will continue** like a spring, **as it is stated** with regard to the coronation of Solomon before the death of David: **"And the king said unto them: Take with you the servants of your lord,** and let Solomon my son ride upon my own mule, **and bring him down to Gihon.** And let Tzadok the priest and Nathan the prophet anoint him there king over Israel and sound the shofar and say: Long live King Solomon" (1 Kings 1:33–34).

אָמַר רַבִּי אַמִּי: הַאי מַאן דְּבָעֵי לֵידַע אִי מַסֵּיק שַׁתִּיהּ אִי לָא, נֵיתֵּי שְׁרָגָא בַּעֲשָׂרָה יוֹמֵי דְּבֵין רֹאשׁ הַשָּׁנָה לְיוֹם הַכִּפּוּרִים בְּבֵיתָא דְּלָא נָשֵׁיב זִיקָא, אִי מָשֵׁיךְ נְהוֹרֵיהּ נִידַּע דְּמַסֵּיק שַׁתִּיהּ.

§ Apropos good omens, the Gemara cites a statement that **Rabbi Ami said: This** person **who seeks to know if he will complete his year or if** he will **not,** i.e., whether or not he will remain alive in the coming year, **let him light a lamp,**[N] **during the ten days that are between Rosh HaShana and Yom Kippur, in a house in which wind does not blow. If its light continues** to burn,[N] **he knows that he** will **complete his year.**

וּמַאן דְּבָעֵי לְמֶיעֱבַד בְּעִיסְקָא, וּבָעֵי לְמִידַּע אִי מַצְלַח אִי לָא מַצְלַח, לֵירַבֵּי תַּרְנְגוֹלָא, אִי שָׁמֵין וְשָׁפַר – מַצְלַח.

And one who seeks to conduct a business venture and wishes to know if he will succeed or **if** he will **not succeed, let him raise a rooster.**[N] **If** the rooster **grows fat and healthy, he will succeed.**

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הַאי מַאן דְּבָעֵי לְמֵיפַּק [לְאוּרְחָא], וּבָעֵי לְמֵידַע אִי חָזַר וְאָתֵי לְבֵיתֵיהּ אִי לָא, נֵיקוּם בְּבֵיתָא דַּחֲבָרָא, אִי חָזֵי בְּבוּאָה דְּבָבוּאָה לֵידַע דַּהֲדַר וְאָתֵי לְבֵיתֵיהּ. וְלָאו מִלְּתָא הִיא, דִּלְמָא חָלְשָׁא דַּעְתֵּיהּ וּמִיתְרַע מַזָּלֵיהּ. אֲמַר אַבַּיֵי, הָשְׁתָּא דְּאָמְרַת: סִימָנָא מִילְּתָא הִיא, [לְעוֹלָם] יְהֵא רָגִיל לְמֵיחֱזֵי בְּרֵישׁ שַׁתָּא קָרָא וְרוּבְיָא כָּרְתֵי וְסִילְקָא וְתַמְרֵי.

One who seeks to embark on a journey and wishes to know if he will **return and come to** his **home** or **if** he will **not, let him go to a dark** [*daḥavara*]^{L} **house. If he sees the shadow of a shadow**^{N} **he shall know that he** will **return and come home.** The Sages reject this: This omen **is not** a significant **matter. Perhaps he will be disheartened** if the omen fails to appear, **and his fortune will suffer** and it is this that causes him to fail. **Abaye said: Now that you said** that **an omen is** a significant **matter,**^{N} **a person should always be accustomed to seeing** these **on Rosh HaShana:**^{H} **Squash, and fenugreek, leeks, and chard,**^{B} **and dates,**^{N} as each of these grows quickly and serves as a positive omen for one's actions during the coming year.

אֲמַר לְהוּ רַב מְשַׁרְשִׁיָא לִבְרֵיהּ: כִּי בָּעֵיתוּ מֵיעַל וּמִיגְמַר קַמֵּי רַבָּיְיכוּ, גְּרוֹסוּ מַתְנִיתָא וְעָלוּ לְקַמֵּי רַבָּיְיכוּ, וְכִי יָתְבִיתוּ קַמֵּיהּ חֲזוּ לְפוּמֵיהּ, דִּכְתִיב: ״וְהָיוּ עֵינֶיךָ רֹאוֹת אֶת מוֹרֶיךָ״, וְכִי גָּרְסִיתוּ – גְּרוֹסוּ עַל נַהֲרָא דְּמַיָּא, דִּכְי הֵיכִי דְּמַשְׁכָּן מַיָּא מַשְׁכָּן שְׁמַעֲתָתַיְיכוּ. וְתִיבוּ אַקִּילְקְלֵי דְּמָתָא מְחַסְיָא וְלָא תִּיבוּ אַפַּדְנֵי דְּפוּמְבְּדִיתָא. טַב גְּלָדָנָא סָרְיָא [דְּמָתָא מְחַסְיָא לְמֵיכַל] מִכּוּתְתָא דְּרָמֵי כֵּיפֵי.

Apropos good omens, **Rav Mesharshiyya said to his son: When you seek to enter and study before your teacher, study the *baraita*** first, **and** only then **enter before your teacher. And when you are sitting before him, look to his mouth, as it is written: "And your eyes shall see your teacher"** (Isaiah 30:20). **And when you study, study adjacent to a river of water; just as the water flows, your studies will flow** unimpeded. He added: **And** it is preferable for you to **sit on the rubbish heaps** [*akilkelei*]^{NL} **of Mata Meḥasya, and do not sit in the palaces** [*appadnei*]^{L} **of Pumbedita.**^{B} **Better to eat the rotten fish** [*gildana*]^{L} **of Mata Meḥasya than** to eat *kutḥa*,^{L} **which displaces rocks,** a metaphor for how potent it is.

״רָמָה קַרְנִי בַּאלֹהַי״ – רָמָה קַרְנִי וְלֹא רָמָה פַּכִּי, דָּוִד וּשְׁלֹמֹה שֶׁנִּמְשְׁחוּ בְּקֶרֶן – נִמְשְׁכָה מַלְכוּתָן, שָׁאוּל וְיֵהוּא שֶׁנִּמְשְׁחוּ בְּפַךְ – לֹא נִמְשְׁכָה מַלְכוּתָן.

Apropos good omens for anointing, it is stated in the prayer of Hannah, Samuel's mother: **"My horn is exalted in My God"** (1 Samuel 2:1). The Gemara infers: **My horn is exalted, and my jug is not exalted. David and Solomon were anointed with** oil from **a horn.** This was a good omen for them and **their reign endured. Saul and Jehu were anointed with** oil from **a jug and their reign did not endure.**

HALAKHA

On Rosh HaShana, etc. – בְּרֵישׁ שַׁתָּא וכו׳: On Rosh HaShana, one should eat foods whose names allude to goodness and blessings, as these are good omens, e.g., squash, fenugreek, leeks, chard, and dates (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 583:1).

BACKGROUND

Chard – סִילְקָא: *Beta vulgaris*, also known as Swiss chard, is an annual garden plant from the Chenopodiaceae family. Chard leaves are eaten cooked and taste like spinach. The plant continues to grow after its leaves are gradually pruned. Today, these leaves are also used as bird feed.

Chard

Pumbedita – פּוּמְבְּדִיתָא: A city on the Euphrates River, northwest of Neharde'a, Pumbedita was an important center of the Babylonian Jewish community for many generations. As early as the Second Temple period, Pumbedita was called: The Diaspora, as it was considered the center of Babylonian Jewry. After the destruction of Neharde'a, some scholars from its yeshiva relocated to Pumbedita, and from that point forward Torah study continued there uninterrupted until the end of the geonic period. The scholars of Pumbedita were particularly famous for their acumen. The most well-known heads of the yeshiva in Pumbedita were its founder Rav Yehuda, Rabba, Rav Yosef, Abaye, Rav Naḥman bar Yitzhak, Rav Zevid, and Rafram bar Pappa. The yeshiva was prominent during the geonic period as well, often overshadowing the yeshiva in Sura. The last heads of the yeshiva in Pumbedita were the renowned *ge'onim* Rav Sherira Gaon and his son, Rav Hai Gaon.

NOTES

The shadow of a shadow – בָּבוּאָה דְּבָבוּאָה: The commentaries write that this phrase means a second level of shadow that is slightly perceptible. This is a reference to the fact that one is protected and has a guardian angel, as it is stated: "The Lord is your shadow [*tzillekha*]" (Psalms 121:5), and likewise: "Their defense [*tzillam*] is removed" (Numbers 14:9).

An omen is a significant matter – סִימָנָא מִילְּתָא הִיא: The commentaries ask: In what way is this different from that which is taught in *Sanhedrin* (65b), that the prohibition against divining the future includes the belief: If one's bread fell from his mouth, that is a bad sign for him? The Meiri notes that it is prohibited to undertake any omen, and that when the Gemara states: These omens are not a significant matter, it refers to all omens, and not only to the omen concerning the shadow of a shadow. The Maharsha explains that the Gemara in *Sanhedrin* is discussing one who sees a negative event in an omen, which is prohibited. By contrast, in this Gemara, one sees a positive event in an omen, and that is permitted (see *Be'er Sheva*).

Squash and fenugreek, leeks and chard and dates – קָרָא וְרוּבְיָא כָּרְתֵי וְסִילְקָא וְתַמְרֵי: All these are positive omens because they sprout and blossom quickly. The Meiri writes that in order for this practice not to fall under the category of divination, the Sages instituted that when eating each of these foods on Rosh HaShana, one must recite a prayer that contains an allusion to that item, e.g., concerning the squash [*kara*] one recites: Our merits should be recited [*yikare'u*], and concerning the leeks [*karti*] one recites: Our enemies should be destroyed [*yikaretu*]. The Meiri explains that all these inspire repentance and good deeds, and typically relate to aspects of the evil inclination.

Sit on the rubbish heaps – וְתִיבוּ אַקִּילְקְלֵי: Some have explained that Mata Meḥasya was a place imbued with Torah, and that it was preferable to reside there in poverty than to reside in the wealthy city of Pumbedita, a place that was imbued with less Torah. Others explain that this is a general directive that it is preferable to live meagerly than to live a life of comfort and excess (Ramah).

LANGUAGE

Dark [*ḥavara*] – חֲבָרָא: From the Aramaic-Syriac term *habara*, or *ḥabara*, meaning darkness or dim. It also appears in the Aramaic translation of the Writings.

Rubbish heaps [*kilkelei*] – קִילְקְלֵי: This word is a corruption of the Aramaic *kikli*, meaning rubbish heap, a place where broken or ruined items are discarded. The city's rubbish heap was a field that was situated in or alongside the city, and was mainly used as a place for throwing away broken or unused vessels, rather than food waste. Therefore, people would only occasionally go there.

Palaces [*appadnei*] – אַפַּדְנֵי: This term appears in the Bible (Daniel 11:45) and derives from the ancient Persian apadana, meaning a palace, fortified house, or mansion. Already in ancient times it was borrowed into other languages.

Fish [*gildana*] – גִּילְדָּנָא: Some claim that the source of this term is the Greek χελιδών, *khelidon*, meaning a species of flying fish. In rabbinic literature, it is employed as a term for all fish, large and small.

***Kutḥa* – כּוּתְחָא:** *Kutḥa*, which was called *kutaḥ* in Hebrew and *kudḥa* in Syriac, was a common Babylonian spice made from a fermented, almost moldy mixture of whey, salt, and bread. This spice was so sharp that it could be eaten only by Babylonians, as they were accustomed to eating it. In the Mishna it is referred to as Babylonian *kutaḥ*.

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״הַמָּשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה״ וכו׳. תָּנוּ רַבָּנַן: מָשִׁיחַ – יָכוֹל מֶלֶךְ? תַּלְמוּד לוֹמַר: כֹּהֵן; אִי כֹּהֵן, יָכוֹל מְרוּבֶּה בְּגָדִים? תַּלְמוּד לוֹמַר: ״מָשִׁיחַ״; אִי מָשִׁיחַ, יָכוֹל מְשׁוּחַ מִלְחָמָה? תַּלְמוּד לוֹמַר: ״וְהַכֹּהֵן הַמָּשִׁיחַ״, שֶׁאֵינוֹ מָשִׁיחַ עַל גַּבָּיו.

§ The mishna teaches: And who is the anointed priest? It is the High Priest **who is anointed with the anointing oil,** not the High Priest consecrated by donning multiple garments. **The Sages taught:** "**Anointed**" is written in the verse (Leviticus 6:15). One **might** have thought that the reference is to **a king.** Therefore, **the verse states:** "**Priest.**" **If** the reference is to **a priest,** one **might** have thought that the reference is to a priest consecrated by donning **multiple garments.** Therefore, **the verse states:** "**Anointed.**" **If** the reference is to one who is **anointed,** one **might** have thought that the reference is even to a priest **anointed for war.**[B] Therefore, **the verse states:** "**And the anointed priest,**" indicating **that there is no anointed** priest **over him;** rather, he is the highest-ranking priest.

מַאי מַשְׁמַע? כְּדַאֲמַר רָבָא: ״הַיָּרֵךְ״ – הַמְיוּמֶּנֶת שֶׁבְּיָרֵךְ, הָכָא נַמִּי ״הַמָּשִׁיחַ״ – הַמְיוּמָּן שֶׁבַּמְּשׁוּחִים.

The Gemara asks: **From where** is this **inferred?** The Gemara answers: It is **as Rava said** with regard to the term "**the thigh**" in the verse: "The sciatic nerve that is on the hollow of the thigh" (Genesis 32:33); the reference is to **the stronger of the thighs. Here too,** where the verse states: "**The anointed,**" the reference is to **the** most **distinguished of** those **anointed,** i.e., the High Priest.

אָמַר מָר: מָשִׁיחַ – יָכוֹל מֶלֶךְ. מֶלֶךְ פָּר הוּא דְּמַיְיתֵי? שָׂעִיר הוּא דְּמַיְיתֵי! אִיצְטְרִיךְ, סָלְקָא דַּעְתָּךְ אָמִינָא: עַל שִׁגְגַת מַעֲשֶׂה יָבִיא שָׂעִיר, עַל הָעֲלַם דָּבָר יָבִיא פָּר, קָא מַשְׁמַע לָן.

The Gemara analyzes the *baraita*: **The Master said:** "**Anointed**" is written in the verse. One **might** have thought that the reference is to **a king.** The Gemara asks: **Is it a bull that a king brings** for a sin-offering? **It is a male goat that he brings,** as the Torah states explicitly, later in that passage. The Gemara answers: It **was necessary** for the *tanna* to say this, as it may **enter your mind to say:** It is **for the unwitting** performance **of an action** for which all people are liable to bring a sin-offering that a king **shall bring** a male goat as his offering; but **for absence** of awareness **of the matter** with the unwitting performance of an action, a king **shall bring a bull.** Therefore, the *tanna* **teaches us** that it is only the High Priest who brings a bull.

״אֵין בֵּין מָשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה״ כו׳. מַתְנִיתִין דְּלָא כְּרַבִּי מֵאִיר, דְּאִי רַבִּי מֵאִיר, הָא תַּנְיָא: מְרוּבֶּה בְּגָדִים מֵבִיא פָּר הַבָּא עַל כָּל הַמִּצְוֹת, דִּבְרֵי רַבִּי מֵאִיר, וְלֹא הוֹדוּ לוֹ חֲכָמִים.

§ The mishna teaches: **The difference between** a High **Priest anointed with the anointing oil** and one consecrated by donning multiple garments is only that the latter does not bring the bull that comes for the transgression of any of the mitzvot. The Gemara comments: **The mishna is not in accordance with** the opinion of **Rabbi Meir, as, if it was** in accordance with the opinion of **Rabbi Meir, isn't it taught** in a *baraita*: A priest who is consecrated by donning **multiple garments brings a bull that comes for** the transgression of **any of the mitzvot;** this is **the statement of Rabbi Meir, but the Rabbis did not concede** that point **to him.**

מַאי טַעְמָא דְּרַבִּי מֵאִיר? דְּתַנְיָא: ״מָשִׁיחַ״ – אֵין לִי אֶלָּא מָשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה, מְרוּבֶּה בְּגָדִים מְנַיִן? תַּלְמוּד לוֹמַר: ״הַכֹּהֵן הַמָּשִׁיחַ״.

The Gemara asks: **What is the reason** for the opinion **of Rabbi Meir?** It is **as it is taught** in a *baraita*: "**Anointed**" is written in the verse. **I have** derived **only a priest anointed with the anointing oil. From where** do I derive the *halakha* of a priest who is consecrated by donning **multiple garments? The verse states:** "**The anointed priest,**" from which it is derived that anyone who is appointed as the High Priest is included, even if he was not anointed.

בְּמַאי אוֹקֵימְתֵּיהּ? כְּרַבָּנַן,

The Gemara asks: **In accordance with which** opinion **did you interpret** the mishna? It is **in accordance with** the opinion of **the Rabbis.**

BACKGROUND

Anointed for war – מְשׁוּחַ מִלְחָמָה: Before the Jewish people went out to war, a priest was appointed to perform certain duties relating to the war effort. This individual was known as the priest anointed for war. He was responsible for imploring those exempt from participating in the war to return home, and for encouraging the other soldiers to fight with faith in their mission and trust in their Protector, as stated in the Torah (Deuteronomy 20:2). The prohibitions that apply to a High Priest also apply to the priest anointed for war. Offerings brought by the High Priest were not brought by the priest anointed for war, and his sons did not succeed him. The institution of the priest anointed for war existed until the beginning of the Second Temple period.

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אֵימָא סֵיפָא: אֵין בֵּין כֹּהֵן מְשַׁמֵּשׁ לְכֹהֵן שֶׁעָבַר – אֶלָּא פַּר יוֹם הַכִּפּוּרִים וַעֲשִׂירִית הָאֵיפָה, אֲתָאן לְרַבִּי מֵאִיר; דְּתַנְיָא: אֵירַע בּוֹ פְּסוּל בְּכֹהֵן גָּדוֹל, וְעָבַר וּמִינּוּ כֹּהֵן אַחֵר תַּחְתָּיו – הָרִאשׁוֹן חוֹזֵר לַעֲבוֹדָתוֹ, וְהַשֵּׁנִי כָּל מִצְוֹת כְּהוּנָּה עָלָיו, דִּבְרֵי רַבִּי מֵאִיר; [רַבִּי יוֹסֵי אוֹמֵר: רִאשׁוֹן חוֹזֵר לַעֲבוֹדָתוֹ, וְשֵׁנִי אֵינוֹ רָאוּי לֹא לְכֹהֵן גָּדוֹל וְלֹא לְכֹהֵן הֶדְיוֹט].

Say the latter clause: The difference between a High **Priest** currently **serving** in that capacity **and a former** High **Priest is only** with regard to the **bull** brought by the High Priest on **Yom Kippur and the tenth of an ephah** meal-offering; but with regard to all other matters the two are equal. In this clause **we arrive at** the opinion of **Rabbi Meir, as it is taught** in a *baraita*: If temporary **disqualification befell the High Priest**[H] **and he left** his position **and they appointed another priest in his stead,** after the cause of his disqualification passes, **the first** priest **returns to his service** as High Priest. **And** with regard to **the second** priest, **all of the mitzvot of the** High **Priesthood** are still incumbent **upon him;** this is **the statement of Rabbi Meir. Rabbi Yosei says: The first returns to his service, and the second is unfit** to serve in either position; he may serve **neither as a High Priest nor as an ordinary priest.**

אָמַר רַבִּי יוֹסֵי: מַעֲשֶׂה בְּיוֹסֵף בֶּן אֵילִים מִצִּפּוֹרִי שֶׁאֵירַע בּוֹ פְּסוּל בְּכֹהֵן גָּדוֹל, וְעָבַר וּמִינּוּ אַחֵר תַּחְתָּיו, וְלֹא הִנִּיחוּהוּ אֶחָיו הַכֹּהֲנִים לִהְיוֹת לֹא כֹּהֵן גָּדוֹל וְלֹא כֹּהֵן הֶדְיוֹט: כֹּהֵן גָּדוֹל – מִשּׁוּם אֵיבָה, כֹּהֵן הֶדְיוֹט – מִשּׁוּם מַעֲלִין בַּקֹּדֶשׁ וְאֵין מוֹרִידִין;

The *baraita* continues. **Rabbi Yosei said:** There was **an incident involving** the priest **Yosef ben Eilim**[P] **of Tzippori: When disqualification befell a High Priest and he left** his position, the priests **appointed another,** Yosef ben Eilim, **in his stead. And** after the cause of the disqualification passed, **his brethren the priests did not allow** Yosef ben Eilim **to** serve, **neither** as **a High Priest nor** as **an ordinary priest.** The Gemara explains: Neither as **a High Priest, due to enmity,** jealousy, and bitterness that would be engendered if there were two High Priests with equal standing in the Temple. Nor as **an ordinary priest, because** the principle is: **One elevates** to a higher level **in** matters of **sanctity and one does not downgrade.** Once he has served as a High Priest he cannot be restored to the position of an ordinary priest.

רֵישָׁא רַבָּנַן וְסֵיפָא רַבִּי מֵאִיר? אֲמַר רַב חִסְדָּא: אִין, רֵישָׁא רַבָּנַן וְסֵיפָא רַבִּי מֵאִיר. רַב יוֹסֵף אָמַר: רַבִּי הִיא, וְנָסֵיב לָהּ אַלִּיבָּא דְּתַנָּאֵי.

The Gemara asks: Can it be that **the first clause** of the mishna is in accordance with the opinion of **the Rabbis,** who disagree with Rabbi Meir, **and the latter clause** is in accordance with the opinion of **Rabbi Meir? Rav Ḥisda said: Indeed, the first clause** of the mishna is in accordance with the opinion of **the Rabbis and the latter clause** is in accordance with the opinion of **Rabbi Meir. Rav Yosef said:** The entire mishna **is** in accordance with the opinion of **Rabbi** Yehuda HaNasi, **and he formulates** the mishna **according to** different ***tanna'im*.** It is in accordance with the opinion of the Rabbis with regard to a High Priest consecrated by donning multiple garments, and in accordance with the opinion of Rabbi Meir with regard to a former High Priest.

רָבָא אָמַר: רַבִּי שִׁמְעוֹן הִיא, וְסָבַר לָהּ כְּרַבִּי מֵאִיר בַּחֲדָא וּפָלֵיג עֲלֵיהּ בַּחֲדָא;

Rava said: The entire mishna **is** stating the opinion of **Rabbi Shimon, and he holds in accordance with** the opinion of **Rabbi Meir with regard to one** matter **and disagrees with him with regard to one** matter.

דְּתַנְיָא: דְּבָרִים שֶׁבֵּין כֹּהֵן גָּדוֹל לְכֹהֵן הֶדְיוֹט אֵלּוּ הֵם: פַּר הַבָּא עַל כָּל הַמִּצְוֹת, וּפַר יוֹם הַכִּפּוּרִים, וַעֲשִׂירִית הָאֵיפָה, וְלֹא פוֹרֵעַ וְלֹא פוֹרֵם, אֲבָל הוּא פוֹרֵם מִלְמַטָּה וְהַהֶדְיוֹט מִלְמַעְלָה, וְאֵין מְטַמֵּא לַקְּרוֹבִים, וּמְזוּהָר עַל הַבְּתוּלָה, וְאָסוּר בְּאַלְמָנָה, וּמַחֲזִיר אֶת הָרוֹצֵחַ.

This is **as it is taught** in a *baraita*: **These are matters** with regard to **which** there are differences **between a High Priest and an ordinary priest:** The High Priest brings **the bull that comes for any of the mitzvot, and the bull of Yom Kippur, and the** daily **tenth of an ephah** meal-offering. **And he may not grow** his hair **long and may not rend** his garments as expressions of mourning; **but** he **rends** his garment **from below** in an inconspicuous manner, **and the ordinary** priest rends his garment **from above,** in the typical manner. **And** the High Priest **may not render himself impure** with impurity imparted by a corpse even **in** the event that one of his **relatives** dies, **and** he is **warned to** marry **a virgin, and** it is **prohibited** for him **to** marry **a widow, and** when he dies **he restores the** unwitting **murderer** to his home from the city of refuge.

HALAKHA

Temporary disqualification befell the High Priest – אֵירַע בּוֹ פְּסוּל בְּכֹהֵן גָּדוֹל: On the eve of Yom Kippur the Sages designate a replacement who will serve as High Priest in the event that the current High Priest is disqualified. If the High Priest is disqualified, e.g., if he became ritually impure, the replacement serves as High Priest. When the first High Priest is once again fit to serve, he resumes his service as High Priest, and all the mitzvot that are incumbent upon a High Priest are still incumbent upon his replacement. The replacement no longer serves as High Priest, in accordance with the opinion of Rabbi Yosei (Rambam *Sefer Avoda*, *Hilkhot Avodat Yom HaKippurim* 1:3 and *Kesef Mishne* there).

PERSONALITIES

Yosef ben Eilim – יוֹסֵף בֶּן אֵילִים: This incident is related in Josephus's *Antiquities of the Jews* (XVII:6). When a disqualification befell Mattityahu the High Priest, his relative Yosef ben Eilim was appointed in his stead for one day.

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HALAKHA

He sacrifices a portion at the head – מַקְרִיב חֵלֶק בָּרֹאשׁ: A High Priest may sacrifice any offering at his discretion. He may burn the incense any time he so desires, in contrast to ordinary priests, who typically burn the incense only once in their lifetime (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 5:12).

Takes a portion at the head – נוֹטֵל חֵלֶק בָּרֹאשׁ: The High Priest may partake of offerings whenever he chooses, in any week of the year, preempting the standard distribution of the portions among the priestly watch on duty that week and the patrilineal family performing the service that day (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 10:8).

And he performs it wearing eight priestly garments – וּמְשַׁמֵּשׁ בִּשְׁמוֹנָה כֵּלִים: The High Priest serves while wearing eight priestly garments. In addition to the four garments worn by an ordinary priest he wears the robe, ephod, breastplate, and frontplate. If he serves while not wearing all eight, his service is disqualified and he is liable to receive death at the hand of Heaven (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 8:2, 10:4).

וּמַקְרִיב אוֹנֵן וְאֵינוֹ אוֹכֵל [וְאֵינוֹ חוֹלֵק], מַקְרִיב חֵלֶק בָּרֹאשׁ וְנוֹטֵל חֵלֶק בָּרֹאשׁ, וּמְשַׁמֵּשׁ בִּשְׁמוֹנָה כֵּלִים, וְכָל עֲבוֹדַת יוֹם הַכִּפּוּרִים אֵינָהּ כְּשֵׁרָה אֶלָּא בּוֹ, וּפָטוּר עַל טוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו,

The *baraita* continues: **And** the High Priest **sacrifices** offerings even as **an acute mourner** on the day that a close relative dies, **but he may not partake** of the offerings on that day **and he does not receive a share** of those offerings. **He sacrifices a portion at the head**[H] of the priests, i.e., whenever he chooses, **and takes a portion at the head,**[H] i.e., he takes a portion from any offering that he chooses. **And he performs** the Temple service **wearing eight** priestly **garments,**[H] **and the entire Yom Kippur service is valid only** when performed **by him, and he is exempt from** bringing a sliding-scale offering for the **defiling of** the **Temple or its sacrificial** foods.

וְכוּלָּן נוֹהֲגִין בְּמְרוּבֶּה בְּגָדִים חוּץ מִפָּר הַמֵּבִיא עַל כָּל הַמִּצְוֹת, וְכוּלָּן נוֹהֲגִין בְּמָשִׁיחַ שֶׁעָבַר חוּץ מִפַּר יוֹם הַכִּיפּוּרִים וַעֲשִׂירִית הָאֵיפָה, וְכוּלָּן אֵין נוֹהֲגִין בְּמִשּׁוּחַ מִלְחָמָה חוּץ מֵחֲמִשָּׁה דְּבָרִים הָאֲמוּרִים בַּפָּרָשָׁה: לֹא פוֹרֵעַ וְלֹא פּוֹרֵם, וְאֵין מִטַּמֵּא לַקְּרוֹבִים, וּמְיַבֵּם עַל הַבְּתוּלָה, וְאָסוּר בְּאַלְמָנָה, וּמַחֲזִיר אֶת הָרוֹצֵחַ, דִּבְרֵי רַבִּי יְהוּדָה; וַחֲכָמִים אוֹמְרִים: אֵינוֹ מַחֲזִיר.

The *baraita* continues: **And all** these *halakhot* **are in effect with regard to** the High Priest who is consecrated by donning **multiple garments, except for the bull the** High Priest **brings for all the mitzvot. And all** these *halakhot* **are in effect with regard to a former anointed** High Priest, **except for the bull of Yom Kippur and the tenth of an ephah. And all** these *halakhot* **are not in effect with regard to** a priest **anointed for war, except for the five matters stated in the portion** where the *halakhot* of the High Priest are enumerated (see Leviticus, chapter 21): **He may not grow** his hair **long and may not rend** his garments, **and he may not render himself impure** with impurity imparted by a corpse even **in** the event that one of his **relatives** dies, **and he is warned to** marry **a virgin, and** it is **prohibited** for him **to** marry **a widow, and** when he dies **he restores the** unwitting **murderer** to his home from the city of refuge; this is **the statement of Rabbi Yehuda. And the Rabbis say: He does not restore the** unwitting **murderer** to his home.

וְהַאי מְמַאי דְּרַבִּי שִׁמְעוֹן הִיא? אֲמַר רַב פַּפָּא, מַאן שָׁמְעַתְּ לֵיהּ דַּאֲמַר: פָּטוּר עַל טוּמְאַת מִקְדָּשׁ וְקָדָשָׁיו? רַבִּי שִׁמְעוֹן.

The Gemara asks: **And** with regard to **this** *baraita*, **from where** can it be derived **that** the *tanna* **is Rabbi Shimon? Rav Pappa said: Whom did you hear who says:** A High Priest is **exempt from** bringing a sliding-scale offering for the **defiling of** the **Temple or its sacrificial** foods? It is **Rabbi Shimon.** He holds in accordance with the opinion of Rabbi Meir with regard to a former High Priest, and in accordance with the opinion of the Rabbis with regard to the High Priest who is consecrated by donning multiple garments, who does not bring a bull for absence of awareness of the matter with the unwitting performance of an action.

"חוּץ מֵחֲמִשָּׁה דְּבָרִים הָאֲמוּרִים בַּפָּרָשָׁה". מְנָא הָנֵי מִילֵּי? דְּתָנוּ רַבָּנָן: "וְהַכֹּהֵן הַגָּדוֹל מֵאֶחָיו" – זֶה כֹּהֵן גָּדוֹל, "אֲשֶׁר יוּצַק עַל רֹאשׁוֹ שֶׁמֶן הַמִּשְׁחָה" – זֶה מְשׁוּחַ מִלְחָמָה, "וּמִלֵּא אֶת יָדוֹ לִלְבֹּשׁ אֶת הַבְּגָדִים" – זֶה מְרוּבֶּה בְּגָדִים, עַל כּוּלָּן הוּא אוֹמֵר: "רֹאשׁוֹ לֹא יִפְרָע וּבְגָדָיו לֹא יִפְרֹם וְעַל כָּל נֶפֶשׁ מֵת לֹא יָבֹא";

§ The *baraita* teaches: And all these *halakhot* are not in effect with regard to a priest anointed for war, **except for the five matters stated in the portion** where the *halakhot* of the High Priest are enumerated. The Gemara asks: **From where are these matters** derived? The Gemara answers: It is **as the Sages taught: "And the priest who is greater than his brethren"** (Leviticus 21:10); **this is a High Priest. "Upon whose head the anointing oil is poured"; this is** the priest **anointed for war. "And who is consecrated to don the garments"; this is** the High Priest who is consecrated by donning **multiple garments. With regard to all of them,** the verse **states: "He shall neither let the hair of his head grow, nor rend his garments, neither shall he come upon any dead body"** (Leviticus 21:10–11).

יָכוֹל יְהוּ כּוּלָּן מַקְרִיבִין אוֹנְנִים? תַּלְמוּד לוֹמַר: "כִּי נֵזֶר שֶׁמֶן מִשְׁחַת אֱלֹהָיו עָלָיו", עָלָיו – וְלֹא עַל חֲבֵירוֹ; וְאַחַר שֶׁחִלְּקוֹ הַכָּתוּב, יָכוֹל לֹא יְהֵא מְצוּוֶּה עַל הַבְּתוּלָה? תַּלְמוּד לוֹמַר: "וְהוּא".

One **might** have thought that **all of** these priests **sacrifice** offerings as **acute mourners.** Therefore, **the verse states: "For the consecration of the anointing oil of his God is upon him"** (Leviticus 21:12), from which it is derived: **"Upon him,"** the High Priest, **but not upon another** priest. **And after the verse differentiated** the priest anointed for war, one **might** have thought **that he would not be commanded to** marry **a virgin,** a mitzva that appears in the following verse. Therefore, **the verse states** with the letter *vav* as a prefix: **"And he** shall take a wife in her virginity" (Leviticus 21:13), which serves to include the priest anointed for war.

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בְּתַנָּאֵי: ״וְהוּא אִשָּׁה בִּבְתוּלֶיהָ יִקָּח״ – אַחַר שֶׁחִלֵּק הַכָּתוּב רִיבָּה, דִּבְרֵי רַבִּי יִשְׁמָעֵאל; רַבִּי עֲקִיבָא אוֹמֵר: אֵין לִי אֶלָּא שֶׁעָבַר מֵחֲמַת קְרִיו, מֵחֲמַת מוּמִין מִנַּיִן? תַּלְמוּד לוֹמַר: ״וְהוּא״.

The Gemara comments: This is **parallel to** a dispute between ***tanna'im*** with regard to the verse **"And he shall take a wife in her virginity." Once the verse had distinguished** between a priest anointed for war and a High Priest in terms of bringing offerings as an acute mourner, it **included** the priest anointed for war with regard to the *halakhot* that follow; this is **the statement of Rabbi Yishmael. Rabbi Akiva says: I have** derived **only** that the High Priest **who stepped down** for a brief period **due to his seminal emission**[B] is commanded to marry a virgin. **From where** do I derive that a High Priest who stepped down **due to blemishes,**[BH] who will remain disqualified, is commanded to marry a virgin? Therefore, **the verse states: "And he,"**[N] to include a High Priest who stepped down due to blemishes. According to Rabbi Akiva, there is no source available to include the priest anointed for war.

בָּעָא מִינֵּיהּ רָבָא מֵרַב נַחְמָן: מָשִׁיחַ שֶׁנִּצְטָרַע מַהוּ בְּאַלְמָנָה? מִידְּחָא דְּחֵי אוֹ מִיפְּטַר פָּטַר? לָא הֲוָה בִּידֵיהּ.

Rava raised a dilemma before Rav Naḥman: In the case of **an anointed** High Priest **who was afflicted with leprosy, what is** the *halakha* **with regard to** marrying **a widow?** Is he temporarily **disqualified** from service, i.e., does he remain a High Priest and is it therefore prohibited for him marry a widow? **Or** is he totally **absolved** of his status as High Priest and therefore it is permitted for him to marry a widow? The answer **was not available to him.**

זִימְנִין הֲווֹ יָתֵיב רַב פַּפָּא וְקָמְבָּעֵיָא לֵיהּ, אֲמַר לֵיהּ הוּנָא בְּרֵיהּ דְּרַב נַחְמָן לְרַב פַּפָּא, תָּנֵינָא: אֵין לִי אֶלָּא שֶׁעָבַר מֵחֲמַת קְרִיו, עָבַר מֵחֲמַת מוּמִין מִנַּיִן? תַּלְמוּד לוֹמַר: ״וְהוּא״. קָם, נְשַׁקֵיהּ בְּרֵישֵׁיהּ וְיָהֵיב לֵיהּ בְּרֵתֵיהּ.

On another **occasion, Rav Pappa was sitting and he raised** the same **dilemma. Huna, son of Rav Naḥman,**[P] **said to Rav Pappa: We learn** in a *baraita*: **I have** derived **only** that the High Priest **who stepped down** for a brief period **due to his seminal emission** is commanded to marry a virgin. **From where** do I derive that a High Priest who stepped down **due to blemishes,** who will remain disqualified, is commanded to marry a virgin? **The verse states: "And he."** Leprosy is an example of a blemish, so it is prohibited for a High priest afflicted with leprosy to marry a widow. When Rav Pappa heard this *baraita*, **he arose** and **kissed him on his head and gave him his daughter** to marry, due to his appreciation for his expertise in Torah study.

מתני׳ כֹּהֵן גָּדוֹל פּוֹרֵם מִלְמַטָּה, וְהֶדְיוֹט מִלְמַעְלָה. כֹּהֵן גָּדוֹל מַקְרִיב אוֹנֵן וְלֹא אוֹכֵל, וְהֶדְיוֹט לֹא מַקְרִיב וְלֹא אוֹכֵל.

MISHNA **A High Priest rends** his garments **from below**[H] when he is in mourning, **and an ordinary** priest rends his garments **from above** like a non-priest. **A High Priest sacrifices** offerings as **an acute mourner,**[BH] i.e., on the day of the death of one of his close relatives, **but he may not eat** from those offerings. **And an ordinary** priest who is an acute mourner **neither sacrifices**[H] offerings **nor eats** from those offerings.

BACKGROUND

His seminal emission – קְרִיו: When a man experiences a seminal emission, whether involuntarily, intentionally, or in the course of intercourse, he becomes ritually impure. His purification is effected through immersing in a ritual bath during the day; following this, he regains his purity after nightfall (see Leviticus 15:16–18). While ritually impure, it is prohibited for him to enter the Temple Mount or to come into contact with consecrated items, e.g., *teruma*. Ezra the Scribe decreed that it is prohibited for one who experiences a seminal emission to engage in Torah study, to pray, and to recite *Shema*, until his immersion or until he has bathed in nine *kav* of water. In later generations that decree was repealed, and it is permitted for one who experiences a seminal emission to engage in these activities immediately.

Blemishes – מוּמִין: Certain types of blemishes render a priest unfit to serve in the Temple. The *halakhot* of these blemishes are discussed in tractate *Bekhorot*. Many of the blemishes that render animals unfit to be sacrificed render priests unfit for Temple service (see Leviticus 21:16–24). Although it is prohibited for priests with blemishes to perform the Temple service, they may perform certain ancillary tasks, e.g., examining wood to determine whether or not it is fit for use on the altar.

Acute mourner – אוֹנֵן: The period of acute mourning begins on the day that one's wife or husband, father, mother, son, daughter, brother, or unmarried sister dies. The mourner is exempt from performing all positive mitzvot from the moment of the death of the close relative until after the burial. A High Priest serves in the Temple even when he is an acute mourner.

NOTES

The verse states: And he – תַּלְמוּד לוֹמַר וְהוּא: The Ramah explains that Rabbi Akiva accepts Rabbi Yishmael's opinion, but that he adds an additional derivation. He derives both matters from the term "and he" because he holds that the entire word is extraneous, and he derives an additional matter from the prefix letter *vav*. The Rosh holds that Rabbi Akiva derives only one matter from the term "and he" and that he rejects Rabbi Yishmael's opinion.

HALAKHA

Stepped down due to blemishes – עָבַר...מֵחֲמַת מוּמִין: A High Priest who was disqualified due to ritual impurity or due to blemishes remains obligated to marry only a virgin and it remains prohibited for him to marry a widow, in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 17:1).

A High Priest rends from below – כֹּהֵן גָּדוֹל פּוֹרֵם מִלְמַטָּה: A High Priest does not rend his garments in mourning for his relatives in the same manner that all other mourners rend their garments; rather, he rends his garment from below, adjacent to his legs, in accordance with the opinion of Rav, as the *halakha* is ruled in accordance with his opinion in ritual matters (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 5:6 and *Sefer Shofetim*, *Hilkhot Evel* 7:6).

A High Priest sacrifices as an acute mourner – כֹּהֵן גָּדוֹל מַקְרִיב אוֹנֵן: A High Priest performs the Temple service even when he is an acute mourner, i.e., on the day that one of his close relatives has died, yet he may not partake of the offerings on that day, and he does not receive a share of them in order to eat it that evening (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 2:6, 8).

And an ordinary priest neither sacrifices, etc. – וְהֶדְיוֹט לֹא מַקְרִיב וכו׳: An ordinary priest does not perform the Temple service while he is an acute mourner, and if he does so his service is disqualified. He may not partake of the offerings while in that state (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 2:7).

PERSONALITIES

Huna son of Rav Naḥman – הוּנָא בְּרֵיהּ דְּרַב נַחְמָן: There was a Sage with this name who was the son of the prominent *amora* Rav Naḥman. Here, however, it is implied that this Huna is Rav Pappa's student. Therefore, others propose a variant reading: Huna, son of Rav Neḥemya. This Sage was an older contemporary of Rav Ashi, who would engage in halakhic discourse with him. There is more than one instance in the Talmud where these two names are interchanged. Huna, son of Rav Neḥemya, also called Huna Mar, was apparently a member of the family of the Exilarch.

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HALAKHA

Rends the neckline…asunder – מַבְדִּיל קַמֵּי שָׂפָה: A mourner, who is commanded to rend his garments in mourning for his relatives, is not required to rend the garment's neckline; he may rend the garment below the neckline. In mourning for his father or his mother he rends the neckline of the garment, in accordance with the opinion of the first *tanna*. Some say that in mourning for all relatives he is required to rend the neckline (Mordekhai), and that is the custom (Rambam *Sefer Shofetim*, *Hilkhot Evel* 8:3; *Shulḥan Arukh*, *Yoreh De'a* 340:12).

GEMARA

גמ׳ אָמַר [רַב]: ״לְמַטָּה״ – לְמַטָּה מַמָּשׁ, ״לְמַעְלָה״ – לְמַעְלָה מַמָּשׁ; וּשְׁמוּאֵל אָמַר: ״לְמַטָּה״ – לְמַטָּה מִקַּמֵּי שָׂפָה, ״לְמַעְלָה״ – לְמַעְלָה מִקַּמֵּי שָׂפָה, וְזֶה וְזֶה בְּצַוָּאר.

Rav says: From below, written with regard to the High Priest, means **actually from below,** from the bottom of the garment, and **from above** means **actually from above,** from the top of the garment. **And Shmuel said: From below** means **from below the neckline, and from above** means **from above the neckline,** i.e., from the neckline itself, **and** both **this** High Priest **and that** ordinary priest rend their garments **at the neck** of their garment.

מֵיתִיבִי: עַל כָּל הַמֵּתִים כּוֹלָן – רָצָה מַבְדִּיל קַמֵּי שָׂפָה שֶׁלּוֹ, רָצָה אֵינוֹ מַבְדִּיל קַמֵּי שָׂפָה שֶׁלּוֹ, עַל אָבִיו וְעַל אִמּוֹ – מַבְדִּיל; כְּיָון דִּבְעָלְמָא הָוֵי קָרֵע, קְרֵי כָּאן ״בִּגְדֵיהֶם לֹא יִפְרֹם״!

The Gemara **raises an objection** to the opinion of Shmuel from a *baraita*: **For all the dead** relatives for whom one rends his garments, if **he wishes he rends the neckline of his** garment **asunder;**[H] if **he wishes he does not rend the neckline of his** garment **asunder.** If he is rending his garments **for his father or for his mother he rends** the neckline **asunder. Since in general, it is a tear** even without rending the neckline asunder, one can **read here** with regard to the High Priest: **"Nor rend his garments"** (Leviticus 21:10). This supports the opinion of Rav that the High Priest does not rend his garments from above like others do; rather, he rends his garments from below.

שְׁמוּאֵל כְּרַבִּי יְהוּדָה סְבִירָא לֵיהּ, דְּאָמַר: כָּל קֶרַע שֶׁאֵינוֹ מַבְדִּיל שָׂפָה שֶׁלּוֹ – אֵינוֹ אֶלָּא קֶרַע שֶׁל תִּפְלוּת. וּמִי אִית לֵיהּ לְרַבִּי יְהוּדָה קְרִיעָה בְּכֹהֵן גָּדוֹל?

The Gemara answers: **Shmuel holds in accordance with** the opinion of **Rabbi Yehuda, who says: Any tear that does not rend his neckline asunder is only a gratuitous tear** that serves no purpose. Since according to Rabbi Yehuda rending of garments involves rending the neckline, the High Priest may rend his garment from above provided that he does not rend the neckline. The Gemara asks: **And is Rabbi Yehuda of** the opinion that there is **rending** of garments **for a High Priest?**

וְהָא תַּנְיָא: אִילּוּ נֶאֱמַר ״רֹאשׁ לֹא יִפְרָע וּבְגָד לֹא יִפְרֹם״, הָיִיתִי אוֹמֵר: בְּרֹאשׁ וּבְגֶד שֶׁל סוֹטָה הַכָּתוּב מְדַבֵּר, תַּלְמוּד לוֹמַר: ״אֶת רֹאשׁוֹ לֹא יִפְרָע וּבְגָדָיו לֹא יִפְרֹם״ – שֶׁאֵינוֹ בִּפְרִיעָה וּפְרִימָה כָּל עִיקָּר, דִּבְרֵי רַבִּי יְהוּדָה; רַבִּי יִשְׁמָעֵאל אוֹמֵר: אֵינוֹ פּוֹרֵם כְּדַרְכְּךָ שֶׁבְּנֵי אָדָם פּוֹרְמִין, אֶלָּא הוּא מִלְּמַטָּה וְהֵם מִלְּמַעְלָה!

But isn't it taught in a *baraita*: **Had it been stated: He shall neither let the hair of a head grow, nor rend garments, I would have said:** It is **with regard to the head and the garment of a woman suspected by her husband of having been unfaithful** [*sota*][B] that **the verse is speaking,** and it means that the High Priest must not loosen her hair or rend her garments, in the manner that an ordinary priest does to the *sota*. Therefore, **the verse states: "He shall neither let the hair of his head grow, nor rend his garments"** (Leviticus 21:10), indicating **that he is not** included **in** the mitzva to **grow long** hair **and rend** garments **at all;** this is **the statement of Rabbi Yehuda. Rabbi Yishmael says: He does not rend** his garments **in the manner that people** typically **rend** their garments. **Rather, he** rends his garment **from below and an ordinary** priest rends his garments **from above.** Apparently, according to the opinion of Rabbi Yehuda, the High Priest does not rend his garments at all.

שְׁמוּאֵל סָבַר לָהּ כְּרַבִּי יְהוּדָה בַּחֲדָא וּפָלֵיג עֲלֵיהּ בַּחֲדָא.

The Gemara answers: **Shmuel holds in accordance with** the opinion of **Rabbi Yehuda with regard to one** matter, i.e., the way in which garments are rent, **and disagrees with him with regard to one** matter, as Shmuel holds that the High Priest rends his garments.

BACKGROUND

***Sota* – סוֹטָה:** The Torah describes the procedure governing the treatment of a *sota* (Numbers 5:11–31): First, her husband warns her in the presence of witnesses that she may not enter into seclusion with a specific man of whom he is suspicious. If she disregards that warning and is observed entering into seclusion with that man, even though there is no concrete evidence that she actually committed adultery, it is prohibited for her and her husband to continue living as husband and wife until she has undergone the rite of the *sota* to determine whether or not she committed adultery. The woman, accompanied by her husband and two Torah scholars, is taken to the Temple in Jerusalem and compelled by the priests to stand in a public place holding the meal-offering that she is required to bring. There she is again questioned about her conduct. If she continues to insist upon her fidelity and takes an oath to that effect, the priests bring a scroll on which the curses of the *sota* mentioned in the Torah are written. If she does not admit that she committed adultery, the scroll is submerged in a clay vessel filled with water taken from the Temple Basin and earth taken from the Temple floor, and the ink from the scroll is dissolved in the water. The woman is then forced to drink that water. If she indeed committed adultery, the water imparts a curse on her and she dies. If she is innocent, the water will confer a blessing upon her, and it is permitted for her to resume marital life with her husband.

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מתני׳ כָּל הַתָּדִיר מֵחֲבֵירוֹ קוֹדֵם אֶת חֲבֵירוֹ, וְכָל הַמְקוּדָּשׁ מֵחֲבֵירוֹ קוֹדֵם אֶת חֲבֵירוֹ. פַּר הַמָּשִׁיחַ וּפַר הָעֵדָה עוֹמְדִים – פַּר הַמָּשִׁיחַ קוֹדֵם לְפַר הָעֵדָה בְּכָל מַעֲשָׂיו.

MISHNA

Any mitzva **that is** more **frequent than another**[H] mitzva **precedes** that **other** mitzva if the opportunity to fulfill one of them coincides with an opportunity to fulfill the other. **And anyone who is** more **sanctified than another precedes** that **other** person. If **the bull of the anointed** priest **and the bull of the congregation,** which are brought for absence of awareness of the matter, **are pending, the bull of the anointed priest precedes**[H] **the bull of the congregation in all its actions,** i.e., its sacrificial rites.

גמ׳ מְנָא הָנֵי מִילֵי? אֲמַר אַבַּיֵי, דְּאָמַר קְרָא: ״מִלְּבַד עוֹלַת הַבֹּקֶר אֲשֶׁר לְעוֹלַת הַתָּמִיד״, (לָמָּה לִי) מִכְּדֵי כְּתִיב ״עוֹלַת הַבֹּקֶר״, ״עוֹלַת הַתָּמִיד״ לָמָּה לִי? הָכִי קָאָמַר רַחֲמָנָא: כָּל דְּתַדִּירָה קָדְמָה.

GEMARA

The Gemara questions the statement in the mishna that the more frequent matter takes precedence: **From where are these matters** derived? **Abaye said:** It is **as the verse states** concerning the additional offerings brought on Festivals: **“Beside the burnt-offering of the morning, which is for a daily burnt-offering”** (Numbers 28:23). **Once it is written: “The burnt-offering of the morning,” why do I** need: **“A daily burnt-offering”?** Clearly the reference is to the daily burnt-offering of the morning. **This** is what **the Merciful One is saying: Any** matter **that is** more **frequent takes precedence.** Since it is a daily offering, it is more frequent. Therefore, it precedes other offerings.

״וְכָל הַמְקוּדָּשׁ מֵחֲבֵירוֹ הוּא קוֹדֵם אֶת חֲבֵירוֹ״. מְנָלַן? דְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: ״וְקִדַּשְׁתּוֹ״ – לְכָל דָּבָר שֶׁבִּקְדוּשָּׁה, לְפָתּוֹחַ רִאשׁוֹן, וּלְבָרֵךְ רִאשׁוֹן, וְלִיטּוֹל מָנָה יָפָה רִאשׁוֹן.

The mishna continues: **And anyone who is** more **sanctified than another precedes** that **other** person. The Gemara asks: **From where do we** derive these matters? It is **as the school of Rabbi Yishmael taught,** that from the verse written with regard to a priest: **“And you shall sanctify him,** as he sacrifices the bread of your God, he shall be holy unto you” (Leviticus 21:8), it is derived that a priest should be esteemed and granted precedence **with regard to any matter of sanctity.**[H] He should be the one **to open first** in the reading of the Torah, **and to recite the blessing** of the *zimmun* **first,**[B] **and to take a fine portion first.** The priest who is more sanctified takes precedence.

HALAKHA

Any mitzva that is more frequent than another – כָּל הַתָּדִיר מֵחֲבֵירוֹ: Any offering that is sacrificed more frequently than another is sacrificed before the other, and any offering that is more sacred than another is sacrificed before the less sacred offering. If one has two offerings to sacrifice, one more frequent and the other a more sacred offering, he may sacrifice them in the order that he chooses, as the Gemara in tractate *Zevaḥim* (91a) leaves this matter unresolved (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:2).

The bull of the anointed priest precedes – פַּר הַמָּשִׁיחַ קוֹדֵם: The bull sacrificed as an anointed priest’s sin-offering precedes the bull sacrificed for an unwitting communal sin (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:7).

And you shall sanctify him, with regard to any matter of sanctity – וְקִדַּשְׁתּוֹ לְכָל דָּבָר שֶׁבִּקְדוּשָּׁה: All Jewish people are commanded to show deference to priests and accord them precedence with regard to all matters of sanctity. He should be called up first during the reading of the Torah, recite the blessing of the *zimmun* first, and take a fine portion first. There is a mitzva to accord precedence to a priest who is a Torah scholar even if a greater Torah scholar is present (*Mishna Berura*). A priest is entitled to relinquish the precedence due him, except with regard to reading the Torah first (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 4:2; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 201:2).

BACKGROUND

To recite the blessing first – לְבָרֵךְ רִאשׁוֹן: Three who eat a meal together are obligated to recite Grace after Meals together and to recite the blessing of invitation [*zimmun*] as a prelude to the Grace after Meals. The leader invites the others to join him in reciting the blessings, and they respond: May God’s name be blessed. If a priest is present, he is accorded the privilege of leading the *zimmun*.

Perek **III**
Daf **13** Amud **a**

״פַּר כֹּהֵן מָשׁוּחַ וּפַר עֵדָה״ כּוּ׳. מְנָא הָנֵי מִילֵי? דְּתָנוּ רַבָּנַן: ״וְשָׂרַף אוֹתוֹ כַּאֲשֶׁר שָׂרַף אֶת הַפָּר הָרִאשׁוֹן״ – מַה תַּלְמוּד לוֹמַר ״הָרִאשׁוֹן״? שֶׁיְּהֵא רִאשׁוֹן קוֹדֵם לְפַר הָעֵדָה בְּכָל מַעֲשָׂיו.

§ The mishna teaches: If **the bull of the anointed priest and the bull of the congregation,** which are brought for absence of awareness of the matter, are pending, the bull of the anointed priest precedes the bull of the congregation in all its actions. The Gemara asks: **From where are these matters** derived? It is **as the Sages taught: “And he shall burn it as he burned the first bull”** (Leviticus 4:21). **Why** must **the verse state “the first”?** The verse could simply state that he shall burn it as he burned the bull. It is in order to establish **that the first** offering **precedes the bull of the congregation in all its actions.**

תָּנוּ רַבָּנַן: פַּר כֹּהֵן מָשִׁיחַ וּפַר הָעֵדָה עוֹמְדִים – פַּר כֹּהֵן מָשִׁיחַ קוֹדֵם לְפַר הָעֵדָה בְּכָל מַעֲשָׂיו, הוֹאִיל וּמָשִׁיחַ מְכַפֵּר וְעֵדָה מִתְכַּפֶּרֶת, דִּין הוּא שֶׁיְּקִדִּים הַמְכַפֵּר לַמִּתְכַּפֵּר, וְכֵן הוּא אוֹמֵר: ״וְכִפֶּר בַּעֲדוֹ וּבְעַד בֵּיתוֹ וּבְעַד כָּל קְהַל יִשְׂרָאֵל״.

The Sages taught in a *baraita*: If **the bull of the anointed priest and the bull of the congregation are pending, the bull of the anointed priest precedes the bull of the congregation in all its actions. Since the anointed** priest **atones** for the entire Jewish people, **and the congregation gains atonement, it is logical that the one who atones will precede the one who gains atonement. And so** the verse **states: “And he shall atone for himself, and for his household, and for all the congregation of Israel”** (Leviticus 16:17).

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HALAKHA

A bull for an unwitting communal sin, etc. – פַּר הֶעְלֵם דָּבָר שֶׁל צִבּוּר וכו׳: The bull for an unwitting communal sin precedes the bull brought by the congregation for unwitting idol worship (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:7).

All sin-offerings precede the burnt-offerings – כָּל חַטָּאוֹת קוֹדְמוֹת לָעוֹלוֹת: Every sin-offering precedes a burnt-offering. Even a bird sin-offering precedes an animal burnt-offering (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:6).

A bull for idol worship, etc. – פַּר עֲבוֹדָה זָרָה וכו׳: The bull brought by the general public for unwitting idol worship, even though it is a burnt-offering precedes the goat that accompanies it, even though it is a sin-offering (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:7).

The goat for idol worship precedes, etc. – שְׂעִיר עֲבוֹדָה זָרָה קוֹדֵם וכו׳: The goat brought by the general public for unwitting idol worship precedes the goat brought by a king as a sin-offering, because the king is an individual (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:7).

The male goat of the king precedes – שְׂעִיר נָשִׂיא קוֹדֵם: The goat brought by a king as a sin-offering precedes the sin-offering of a commoner (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:7).

The female goat of an individual precedes the ewe of an individual – שְׂעִירַת יָחִיד קוֹדֶמֶת לִכְבְשַׂת יָחִיד: A female goat brought as a sin-offering precedes a ewe brought as a sin-offering, in accordance with the first unattributed *baraita* (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:7 and *Kesef Mishne* there).

פַּר הֶעְלֵם דָּבָר שֶׁל צִבּוּר קוֹדֵם לְפַר שֶׁל עֲבוֹדָה זָרָה. מַאי טַעְמָא? הַאי חַטָּאת וְהַאי עוֹלָה, וְתַנְיָא: ״וְהִקְרִיב אֶת אֲשֶׁר לַחַטָּאת רִאשׁוֹנָה״ – מַה תַּלְמוּד לוֹמַר? אִם לְלַמֵּד שֶׁתְּהֵא חַטָּאת רִאשׁוֹנָה, הֲרֵי כְּבָר נֶאֱמַר: ״וְאֶת הַשֵּׁנִי יַעֲשֶׂה עוֹלָה כַּמִּשְׁפָּט״! אֶלָּא זֶה בָּנָה אָב, שֶׁיְּהוּ כָּל חַטָּאוֹת קוֹדְמוֹת לָעוֹלוֹת הַבָּאִים עִמָּהֶם, וְקַיְּימָא לָן, דַּאֲפִילּוּ חַטַּאת הָעוֹף קוֹדֶמֶת לְעוֹלַת בְּהֵמָה.

The *baraita* continues: **A bull for an unwitting communal sin**[H] **precedes a bull for idol worship. What is the reason** for this *halakha*? **This,** i.e., the bull for an unwitting communal sin, is **a sin-offering, and that,** i.e., the bull for idol worship, is **a burnt-offering, and it is taught** in a *baraita*: **“And he shall sacrifice that which is for the sin-offering first”** (Leviticus 5:8); **why** must **the verse state** this? **If** it is **to teach that the sin-offering will be first, it is already stated: “And the second he shall prepare as a burnt-offering according to the ordinance”** (Leviticus 5:10). **Rather, this established a paradigm** from which all similar cases may be derived, teaching **that all sin-offerings precede the burnt-offerings**[H] **that accompany them, and we maintain that even bird sin-offerings precede animal burnt-offerings.**

פַּר עֲבוֹדָה זָרָה קוֹדֵם לִשְׂעִיר עֲבוֹדָה זָרָה. אַמַּאי? הַאי חַטָּאת וְהַאי עוֹלָה! אָמְרִי בְּמַעֲרְבָא מִשְּׁמֵיהּ דְּרָבָא בַּר מָרִי: חַטַּאת עֲבוֹדָה זָרָה חֲסֵירָא אל״ף, ״לְחַטָּת״ כְּתִיב. רָבָא אָמַר: ״כַּמִּשְׁפָּט״ כְּתִיב בֵּיהּ.

A bull for idol worship[H] brought by the entire congregation **precedes a goat for idol worship** brought by the entire congregation. The Gemara asks: **Why** is this so; **this,** i.e., the goat is **a sin-offering, and that,** i.e., the bull is **a burnt-offering? In the West,** Eretz Yisrael, **they say in the name of Rava bar Mari:** In the verse: “If it is performed unwittingly by the congregation, being hidden from their eyes, the entire congregation shall bring one young bull for a burnt-offering, for a pleasing aroma to the Lord, with its meal-offering, and its libation, according to the ordinance, and one goat as a sin-offering [*leḥattat*]” (Numbers 15:24), **the sin-offering for idol worship is lacking an *alef*,** i.e., **“*leḥattat*” is written** without an *alef*. This indicates that not all the *halakhot* of sin-offerings apply to it. **Rava said: “According to the ordinance” is written concerning it,** indicating that the service must be performed in accordance with the order stated in the verse, i.e., the bull is sacrificed before the goat.

שְׂעִיר עֲבוֹדָה זָרָה קוֹדֵם לִשְׂעִיר נָשִׂיא. מַאי טַעְמָא? הַאי צִבּוּר וְהַאי יָחִיד. שְׂעִיר נָשִׂיא קוֹדֵם לְשְׂעִירַת יָחִיד. מַאי טַעְמָא? הַאי מֶלֶךְ וְהַאי הֶדְיוֹט.

The goat for idol worship of the congregation **precedes**[H] **the goat of the king. What is the reason** for this? The reason is that **this** goat is brought by the general **public and that** goat is brought by **an individual,** and the communal precedes the individual even if that individual is the king. **The male goat of the king precedes**[H] **the female goat of the individual. What is the reason** for this? **This** male goat is brought by **a king, and that** female goat is brought by **a commoner.**

שְׂעִירַת יָחִיד קוֹדֶמֶת לִכְבְשַׂת יָחִיד. וְהָא תַּנְיָא: כִּבְשַׂת יָחִיד קוֹדֶמֶת לִשְׂעִירַת יָחִיד! אֲמַר אַבַּיֵי: תַּנָּאֵי הִיא, מָר סָבַר: שְׂעִירָה עֲדִיפָא, שֶׁכֵּן נִתְרַבְּתָה אֵצֶל עֲבוֹדָה זָרָה בְּיָחִיד; וּמָר סָבַר: כִּבְשָׂה עֲדִיפָא, שֶׁכֵּן נִתְרַבְּתָה בְּאַלְיָה.

The female goat of an individual brought as a standard sin-offering **precedes the ewe of an individual**[H] brought as a standard sin-offering. The Gemara asks: **But isn’t it taught** in a *baraita*: **The ewe of an individual precedes the female goat of an individual? Abaye said: It is** a dispute between ***tanna’im*.** One **Sage holds** that **a female goat is preferable** and takes precedence, **as it has an increased** applicability in that it is brought **for idol worship by an individual,** in which case one must bring a female goat, not a female sheep. **And** one **Sage holds** that the **ewe is preferable** and takes precedence, **as it has more** sacrificial portions than a female goat, as its **tail**[B] is also included, which indicates that it is a preferable offering.

BACKGROUND

Tail [*alya*] – אַלְיָה: The *alya* is the long, thick, fatty tail of the breed of sheep that was common in Eretz Yisrael and the surrounding areas during the Temple era. The tail covered the entire back of the sheep to the extent that it was difficult to ascertain the gender of the sheep, particularly in younger animals. The Torah commands that when a sheep is brought as a peace-offering, the tail is one of the parts of the animal burned on the altar. This applied only to sheep, as other animals that were sacrificed, e.g., goats, did not have this kind of tail.

Fat-tailed Persian sheep

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עוֹמֶר קוֹדֵם לַכֶּבֶשׂ הַבָּא עִמּוֹ; שְׁתֵּי הַלֶּחֶם קוֹדְמִים לַכְּבָשִׂים הַבָּאִים עִמָּהֶם. זֶה הַכְּלָל: דָּבָר הַבָּא בְּגִין לְיוֹם – קוֹדֵם לְדָבָר הַבָּא בְּגִין לֶחֶם.

The *omer*[B] offering **precedes the lamb**[H] **that accompanies it; the two loaves,**[B] i.e., the public offering on *Shavuot* of two loaves of bread from the new wheat, **precede the sheep that accompany them. This is the principle: A matter that comes due to** a mitzva of **the day precedes a matter that comes due to** the **bread.** The *omer* and two loaves are meal-offerings brought due to the day. The accompanying sheep are brought due to the meal-offerings.

מתני׳ הָאִישׁ קוֹדֵם לָאִשָּׁה – לְהַחֲיוֹת וּלְהַשֵּׁב אֲבֵדָה, וְהָאִשָּׁה קוֹדֶמֶת לָאִישׁ – לְכִסּוּת וּלְהוֹצִיא מִבֵּית הַשֶּׁבִי. בְּזְמַן שֶׁשְּׁנֵיהֶם עוֹמְדִים בְּקַלְקָלָה – הָאִישׁ קוֹדֵם לָאִשָּׁה.

MISHNA **The man precedes the woman**[NH] when there is uncertainty with regard to which of them **to rescue or to return a lost item** to first. **And the woman precedes the man**[H] with regard to which of them **to** provide with **a garment**[N] first, because her humiliation is great, **or to release from captivity**[H] first, due to the concern that she will be raped. **When they are both subject to degradation,** i.e., there is also concern that the man will be raped in captivity, the release of **the man precedes** the release of **the woman.**

גמ׳ תָּנוּ רַבָּנַן: הָיָה הוּא וְאָבִיו וְרַבּוֹ בַּשֶּׁבִי – הוּא קוֹדֵם לָרַבּוֹ, וְרַבּוֹ קוֹדֵם לְאָבִיו, אִמּוֹ קוֹדֶמֶת לְכוּלָּם.

GEMARA Apropos precedence, **the Sages taught** in a *baraita*: If **one and his father and his teacher were in captivity, his** release **precedes his teacher's**[H] because one's own life takes precedence, **and his teacher's** release **precedes his father's** release. **His mother's** release **precedes** the release of **all of them.**

חָכָם קוֹדֵם לְמֶלֶךְ יִשְׂרָאֵל: חָכָם שֶׁמֵּת – אֵין לָנוּ כַּיּוֹצֵא בּוֹ, מֶלֶךְ יִשְׂרָאֵל שֶׁמֵּת – כָּל יִשְׂרָאֵל רְאוּיִים לְמַלְכוּת.

A Torah scholar precedes the king of Israel, because in the case of **a Sage who dies, we have no one like him, but** in the case of **a king of Israel who dies, all of Israel are fit for royalty.**

מֶלֶךְ קוֹדֵם לְכֹהֵן גָּדוֹל, שֶׁנֶּאֱמַר: ״וַיֹּאמֶר הַמֶּלֶךְ (אליהם) [לָהֶם] קְחוּ עִמָּכֶם (או מעבדי) [אֶת עַבְדֵי] אֲדֹנֵיכֶם״ וגו׳.

A king precedes a High Priest, as it is stated: "And the king said unto them: Take with you the servants of your lord" (1 Kings 1:33). King David was referring to himself as lord when speaking to Zadok the priest.

כֹּהֵן גָּדוֹל קוֹדֵם לְנָבִיא, שֶׁנֶּאֱמַר: ״וּמָשַׁח אֹתוֹ שָׁם צָדוֹק הַכֹּהֵן וְנָתָן הַנָּבִיא״, הִקְדִּים צָדוֹק לְנָתָן; וְאוֹמֵר: ״שְׁמַע נָא יְהוֹשֻׁעַ הַכֹּהֵן הַגָּדוֹל אַתָּה וְרֵעֶיךָ״ וגו׳, יָכוֹל הֲדְיוֹטוֹת הָיוּ? תַּלְמוּד לוֹמַר: ״כִּי אַנְשֵׁי מוֹפֵת הֵמָּה״, וְאֵין ״מוֹפֵת״ אֶלָּא נָבִיא, שֶׁנֶּאֱמַר: ״וְנָתַן אֵלֶיךָ אוֹת אוֹ מוֹפֵת״.

A High Priest precedes a prophet, as it is stated: "And let Zadok the priest and Nathan the prophet anoint him there" (1 Kings 1:34); **Zadok** is written **before Natan. And** similarly, the prophet **says: "Hear now, Joshua the High Priest, you and your colleagues** who sit before you, for they are men that are a sign; for behold, I will bring forth My servant Zemah" (Zechariah 3:8). One **might** have thought that these colleagues **were laymen.** Therefore, **the verse states: "For they are men that are a sign," and "sign"** means **nothing other than a prophet, as it is stated: "And he gives you a sign or a wonder"** (Deuteronomy 13:2).

BACKGROUND

Omer – עוֹמֶר: An *omer* is a measure of grain, a tenth of an ephah. This is also the term employed for the communal barley meal-offering brought in the Temple on the sixteenth of Nisan, the second day of Passover. The offering was brought irrespective of whether the sixteenth of Nisan occurred on Shabbat or during the week. The *omer* was brought from the newly ripened barley crop. The barley was cut and harvested at night after the conclusion of the first day of Passover. It was roasted and then ground into flour. A handful of the flour was burned on the altar and the rest was eaten by the priests. In addition to the flour offering, a male sheep was sacrificed as a burnt-offering, together with a wine libation and two-tenths of an ephah of wheat flour as a meal-offering. Once the *omer* offering was brought, it was permitted to eat the grain of the new harvest.

The two loaves – שְׁתֵּי הַלֶּחֶם: Two loaves of wheat bread were brought as a communal meal-offering on the festival of *Shavuot* (see Leviticus 23:17). In contrast to most other meal-offerings, these loaves were leavened. Two lambs, communal peace-offerings, were brought together with these two loaves. Prior to their offering, both the loaves and the lambs were ceremonially waved. After their offering, they were divided among the priests and were eaten in the Temple courtyard. Once the two loaves were brought, it was permitted to utilize the grain of the new harvest in the Temple.

NOTES

The man precedes the woman – הָאִישׁ קוֹדֵם לָאִשָּׁה: The reason a man precedes a woman with regard to saving his life and returning his lost item is that he is commanded to fulfill more mitzvot than she is. Likewise, his time is considered more valuable, as instead of searching for his lost item he could be performing those mitzvot (see *Meromei Sadeh*).

To rescue [*lehaḥayot*]…to provide a garment – ...לְהַחֲיוֹת לְכִסּוּת: Some explain that *lehaḥayot* means to rescue one from danger, but that in terms of providing sustenance a woman precedes a man, as it is explained in tractate *Pe'a* (*Be'er Sheva*).

HALAKHA

The *omer* precedes the lamb – עוֹמֶר קוֹדֵם לַכֶּבֶשׂ: The sacrifice of the *omer* meal-offering precedes the sacrifice of the lamb that accompanies it, and the bringing of the meal-offering of two loaves precedes the sacrifice of the sheep that accompany them (Rambam *Sefer Avoda*, *Hilkhot Temidin UMusafin* 9:9).

The man precedes the woman – הָאִישׁ קוֹדֵם לָאִשָּׁה: If the lives of a man and a woman are both in danger, one rescues the man first, as he is commanded to fulfill more mitzvot (*Taz*). Likewise, one should return a lost item to a man first (*Shulḥan Arukh*, *Yoreh De'a* 252:8).

The woman precedes the man – הָאִשָּׁה קוֹדֶמֶת לָאִישׁ: When a man and a woman both come requesting food or garments, one provides food and garments to the woman first (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 8:15; *Shulḥan Arukh*, *Yoreh De'a* 251:8).

To release from captivity – לְהוֹצִיא מִבֵּית הַשֶּׁבִי: When one redeems captives, one redeems a woman first. If the captors subject their male captives to homosexual rape, one redeems the man first (*Shulḥan Arukh*, *Yoreh De'a* 252:8).

His precedes his teacher's, etc. – הוּא קוֹדֵם לְרַבּוֹ וכו׳: Recovery of one's own lost item precedes return of the item of one's father or teacher. Returning a lost item of one's teacher precedes returning a lost item of one's father. But if his father was a Torah scholar, he returns his father's lost item before that of his teacher and redeems his father before his teacher. His mother's redemption precedes the redemption of his father or teacher (*Shulḥan Arukh*, *Yoreh De'a* 242:35, 252:9 and *Shakh* there).

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מָשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה קוֹדֵם לִמְרוּבֶּה בְּגָדִים; מְרוּבֶּה בְּגָדִים קוֹדֵם לְמָשִׁיחַ שֶׁעָבַר מֵחֲמַת קְרִיוֹ; מָשִׁיחַ שֶׁעָבַר מֵחֲמַת קְרִיוֹ קוֹדֵם לְעָבַר מֵחֲמַת מוּמוֹ; עָבַר מֵחֲמַת מוּמוֹ קוֹדֵם לִמְשׁוּחַ מִלְחָמָה; מְשׁוּחַ מִלְחָמָה קוֹדֵם לִסְגָן;

A High Priest **anointed with anointing oil precedes**[H] a priest consecrated by donning **multiple garments.** A High Priest consecrated by donning **multiple garments precedes an anointed** High Priest **who stepped down,** even if he did so **due to his seminal emission. An anointed** High Priest **who stepped down due to his seminal emission precedes** an anointed High Priest who **stepped down due to his blemish.** An anointed High Priest who **stepped down due to his blemish precedes** a priest **anointed for war.** A priest **anointed for war precedes a deputy** High Priest, who replaces the High Priest when he is unable to serve in the Temple.

סְגָן קוֹדֵם לַאֲמַרְכָּל. מַאי אֲמַרְכָּל? אֲמַר רַב חִסְדָּא: אָמַר כּוּלָּא. אֲמַרְכָּל קוֹדֵם לְגִזְבָּר; גִּזְבָּר קוֹדֵם לְרֹאשׁ מִשְׁמָר; רֹאשׁ מִשְׁמָר קוֹדֵם לְרֹאשׁ בֵּית אָב; רֹאשׁ בֵּית אָב קוֹדֵם לְכֹהֵן הֶדְיוֹט.

The *baraita* concludes: **A deputy** High Priest **precedes the overseer** [*la'amarkal*],[L] one of the seven appointed officials in the Temple. The Gemara asks: **What** is the meaning of ***amarkal*? Rav Ḥisda said:** *Amarkal* is an acronym for ***amar kulla,*** meaning: He says it all. The overseer of the Temple has the final word in matters concerning the administration of the Temple. The **overseer precedes** the Temple **treasurer.** The **treasurer precedes** the **head of** the priestly **watch**[B] that would serve in the Temple for a period of one week at a time. The **head of** the priestly **watch precedes** the **head of** the **patrilineal family.**[B] Each patrilineal family performed the Temple service for one day during the week of its priestly watch. The **head of** the **patrilineal family precedes an ordinary priest.**

אִיבַּעְיָא לְהוּ: לְעִנְיַן טוּמְאָה, סְגָן וּמְשׁוּחַ מִלְחָמָה אֵיזֶה מֵהֶם קוֹדֵם?

A dilemma was raised before the Sages: **With regard to the matter of ritual impurity,** when there is a corpse with no one to bury it [*met mitzva*], which even a priest and a nazirite are commanded to bury, and the **deputy** High Priest **and** the priest **anointed for war**[H] are available to bury it, **which of them precedes** the other and becomes impure?

אֲמַר מָר זוּטְרָא בְּרֵיהּ דְּרַב נַחְמָן: תָּא שְׁמַע, דִּתְנַיָּא: סְגָן וּמְשׁוּחַ מִלְחָמָה שֶׁהָיוּ מְהַלְּכִים בְּדֶרֶךְ וּפָגַע בָּהֶם מֵת מִצְוָה, מוּטָב שֶׁיִּטַּמֵּא מְשׁוּחַ מִלְחָמָה וְאַל יִטַּמֵּא סְגָן, שֶׁאִם יֶאֱרַע בּוֹ פְּסוּל בְּכֹהֵן גָּדוֹל, נִכְנָס הַסְּגָן וּמְשַׁמֵּשׁ תַּחְתָּיו. וְהָתְנַיָּא: מְשׁוּחַ מִלְחָמָה קוֹדֵם לִסְגָן! אֲמַר רָבִינָא: כִּי תַּנְיָא הַהִיא – לְהַחֲיוֹתוֹ.

Mar Zutra, son of Rav Naḥman, said: Come and **hear** a resolution, **as it is taught** in a *baraita*: In the case of **a deputy** High Priest **and** a priest **anointed for war who were walking along the path and they encountered a *met mitzva***[B] and one of them must bury him and become ritually impure, **it is preferable that** the priest **anointed for war will become ritually impure and the deputy** High Priest **will not become ritually impure.** The reason is **that if disqualification befalls the High Priest, the deputy enters and performs** the Temple **service in his stead.** Therefore, one must ensure to every possible extent that the deputy High Priest remain ritually pure. The Gemara asks: **But isn't it taught** in a *baraita*: A priest **anointed for war precedes a deputy** High Priest? **Ravina said: When that** *baraita* **is taught,** it is not with regard to ritual impurity; rather, it is taught **with regard to rescuing him,** as the standing of the priest anointed for war is higher than that of the deputy High Priest.

HALAKHA

A High Priest anointed with anointing oil precedes, etc. – מָשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה קוֹדֵם וכו': The High Priest anointed with the anointing oil precedes a High Priest consecrated by donning multiple garments. The current High Priest consecrated by donning multiple garments precedes a former anointed High Priest, even one who stepped down due to ritual impurity. A High Priest who stepped down due to ritual impurity precedes a High Priest who stepped down due to a blemish, and a High Priest who stepped down due to a blemish precedes a priest anointed for war. A priest anointed for war precedes the deputy High Priest. The deputy High Priest precedes the deputy to the deputy High Priest. The deputy to the deputy High Priest precedes the overseer, the overseer precedes the treasurer, the treasurer precedes the head of the priestly watch, the head of the priestly watch precedes the head of the patrilineal family, and the head of the patrilineal family precedes an ordinary priest (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 4:9).

The deputy High Priest and the priest anointed for war with regard to a *met mitzva* – סְגָן וּמְשׁוּחַ מִלְחָמָה בְּמֵת מִצְוָה: One who precedes another in terms of returning a lost item and redemption from captivity succeeds him in terms of becoming ritually impure by burying a *met mitzva*. Nevertheless, if the deputy High Priest and a priest anointed for war encounter a *met mitzva*, the priest anointed for war becomes ritually impure first (Rambam *Sefer Shofetim*, *Hilkhot Evel* 3:9).

LANGUAGE

Overseer [*amarkal*] – אֲמַרְכָּל: From the Persian hamarkar or amarkare, whose literal meaning is: One who calculates. Based on documentary evidence, his role was to collect taxes and the like. Apparently, even in ancient times, the meaning of the Persian word expanded to include not only a treasurer but also any prominent official. The term is employed in Aramaic translations of the Bible and in the Mishna.

BACKGROUND

Priestly watch – מִשְׁמָר: Even before the construction of the First Temple, there were more priests than necessary to perform the sacred service. Therefore, King David and Samuel the prophet established priestly watches (see I Chronicles, chapter 24). The priests were divided into twenty-four watches, each of which performed the Temple service at least twice during the year, for one week at a time. Only during the pilgrimage Festivals, when the entire nation ascended to Jerusalem, were all the priests present in the Temple. Each watch was divided into six patrilineal families, and each of these was assigned to perform the service on one day of the week of their watch. The changing of the watches took place each Shabbat, and they would then divide the shewbread between the incoming and outgoing priestly watches and recite the blessing for the incoming priestly watch. During the Second Temple period, although not all the priestly watches returned from the Babylonian exile, the watches were again divided.

Patrilineal family – בֵּית אָב: Each week, a different priestly watch would serve in the Temple. Each watch was subdivided into extended patrilineal families, and each of these performed the Temple service on one day of the week of their watch. The head of each patrilineal family was responsible for supervising that service. With regard to certain aspects of the Temple service, he was ranked third among the priests in the Temple, after the High Priest and his deputy, e.g., on Yom Kippur, he would accompany the High Priest while he performed certain elements of the Temple service.

***Met mitzva* – מֵת מִצְוָה:** There is an obligation to attend to the burial of the dead. If a deceased has no acquaintances or relatives to bury him, all are obligated to assist in his burial. The *halakha* is that a *met mitzva* acquires its place, i.e., the corpse must be interred in the place that it was found, provided that it is a place where a dignified burial is possible. Otherwise, the corpse is buried in the nearest cemetery. The significance of this obligation is so great that even priests and nazirites, with regard to whom it is prohibited by Torah law to become impure with impurity imparted by a corpse, are obligated to bury a *met mitzva*. Furthermore, the obligation to bury a *met mitzva* takes precedence over virtually all other religious obligations.

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מתני׳ כֹּהֵן קוֹדֵם לְלֵוִי, לֵוִי לְיִשְׂרְאֵל, יִשְׂרְאֵל לְמַמְזֵר, וּמַמְזֵר לְנָתִין, וְנָתִין לְגֵר, וְגֵר לְעֶבֶד מְשׁוּחְרָר. אֵימָתַי? בִּזְמַן שֶׁכּוּלָּם שָׁוִים, אֲבָל אִם הָיָה מַמְזֵר תַּלְמִיד חָכָם וְכֹהֵן גָּדוֹל עַם הָאָרֶץ – מַמְזֵר תַּלְמִיד חָכָם קוֹדֵם לְכֹהֵן גָּדוֹל עַם הָאָרֶץ.

MISHNA

A priest precedes a Levite.[H] **A Levite** precedes **an Israelite.**[N] **An Israelite** precedes **a son born from an incestuous or adulterous relationship** [*mamzer*], **and a *mamzer*** precedes **a Gibeonite, and a Gibeonite** precedes **a convert, and a convert** precedes **an emancipated slave.**[B] **When** do these *halakhot* of precedence take effect? In circumstances **when they are all equal** in terms of wisdom. **But if there were a *mamzer*** who is **a Torah scholar and a High Priest** who is **an ignoramus,**[B] **a *mamzer*** who is **a Torah scholar precedes a High Priest** who is **an ignoramus,** as Torah wisdom surpasses all else.

גמ׳ ״כֹּהֵן קוֹדֵם לְלֵוִי״ – שֶׁנֶּאֱמַר: ״(ובני) [בְּנֵי] עַמְרָם אַהֲרֹן וּמֹשֶׁה וַיִּבָּדֵל אַהֲרֹן (להקריב) [לְהַקְדִּישׁוֹ] קֹדֶשׁ (הקדשים) [קָדָשִׁים]״. לֵוִי קוֹדֵם לְיִשְׂרְאֵל – שֶׁנֶּאֱמַר: ״בָּעֵת הַהִיא הִבְדִּיל ה׳ אֶת שֵׁבֶט הַלֵּוִי (מתוך)״ וגו׳.

GEMARA

A priest precedes a Levite, as it is stated: “The sons of Amram: Aaron and Moses, and Aaron was separated that he should be sanctified as the most sacred” (1 Chronicles 23:13). **A Levite precedes an Israelite, as it is stated: “At that time the Lord separated the tribe of Levi,** to bear the Ark of the Covenant of the Lord, to stand before the Lord to minister unto Him, and to bless in His name, unto this day” (Deuteronomy 10:8).

יִשְׂרְאֵל קוֹדֵם לְמַמְזֵר – שֶׁזֶּה מְיוּחָס, וְזֶה אֵינוֹ מְיוּחָס. מַמְזֵר קוֹדֵם לְנָתִין – זֶה בָּא מִטִּפָּה כְּשֵׁרָה, וְזֶה בָּא מִטִּפָּה פְּסוּלָה. נָתִין קוֹדֵם לְגֵר – זֶה גָּדַל עִמָּנוּ בִּקְדוּשָּׁה, וְזֶה לֹא גָּדַל עִמָּנוּ בִּקְדוּשָּׁה. גֵּר קוֹדֵם לְעֶבֶד מְשׁוּחְרָר – זֶה הָיָה בִּכְלַל אָרוּר, וְזֶה לֹא הָיָה בִּכְלַל אָרוּר.

An Israelite precedes a *mamzer* because this Israelite is **of** legitimate **lineage and that** *mamzer* is **not of** legitimate **lineage** and is disqualified from entering into the congregation of Israel. **A *mamzer* precedes a Gibeonite because this** *mamzer* **comes from a fit drop** of semen, i.e., from Jewish parentage, **and that** Gibeonite **comes from an unfit drop** of semen, from gentile parentage. **A Gibeonite precedes a convert,** as **this** Gibeonite **grew among us in sanctity** and conducted his life as a Jew, **and that** convert **did not grow among us in sanctity. A convert precedes an emancipated** Canaanite **slave** as **this** emancipated Canaanite slave **was** included **in the category of** the **curse**[N] while he was enslaved, **and that** convert **was not** included **in the category of** the **curse.**

״אֵימָתַי בִּזְמַן שֶׁכּוּלָּן שָׁוִין״ כו׳. מְנָא הָנֵי מִילֵּי? אֲמַר רַב אַחָא בְּרַבִּי חֲנִינָא, דְּאָמַר קְרָא: ״יְקָרָה הִיא מִפְּנִינִים״, מִכֹּהֵן גָּדוֹל שֶׁנִּכְנָס לִפְנֵי וְלִפְנִים.

The mishna teaches: **When** do these *halakhot* of precedence take effect? In circumstances **when they are all equal** in terms of wisdom. The Gemara asks: **From where are these matters** derived? **Rav Aḥa, son of Rabbi Ḥanina, said:** This is derived from a verse, **as the verse states: “She is more precious than rubies** [***mipeninim***]**”** (Proverbs 3:15). The Torah is more precious **than** the **High Priest who enters the innermost sanctum** [***lifnai velifnim***], the Holy of Holies.

תַּנְיָא, רַבִּי שִׁמְעוֹן בַּר יוֹחַאי אוֹמֵר: בְּדִין הוּא שֶׁיְּקַדִּים עֶבֶד מְשׁוּחְרָר לְגֵר, שֶׁזֶּה גָּדַל עִמָּנוּ בִּקְדוּשָּׁה, וְזֶה לֹא גָּדַל עִמָּנוּ בִּקְדוּשָּׁה, אֶלָּא זֶה הָיָה בִּכְלַל אָרוּר, וְזֶה לֹא הָיָה בִּכְלַל אָרוּר.

It is taught in a *baraita* that **Rabbi Shimon bar Yoḥai says: By right, an emancipated** Canaanite **slave should have preceded a convert, because this** emancipated Canaanite slave **grew among us in sanctity, and that** convert **did not grow among us in sanctity. But** the convert precedes the Canaanite slave because **this** Canaanite slave **was in the category of** the **curse, and that** convert **was not in the category of** the **curse.**

HALAKHA

A priest precedes a Levite – כֹּהֵן קוֹדֵם לְלֵוִי: If several needy people approach one who has insufficient funds to help them all, the priest precedes the Levite, and the Levite precedes the Israelite, and the Israelite precedes a *ḥalal*, and a *ḥalal* precedes a child whose father’s identity is unknown, who precedes a foundling, who precedes a *mamzer*, who precedes a Gibeonite, who precedes a convert, who precedes an emancipated slave. When is that the *halakha*? When they are all equal in terms of their wisdom. But if one of them is a Torah scholar, he precedes them all. Even a Torah scholar who is a *mamzer* precedes a High Priest who is an ignoramus; he even precedes a High Priest who is a scholar of lesser stature (Rambam *Sefer Zera’im*, *Hilkhot Mattenot Aniyyim* 8:17; *Shulḥan Arukh*, *Yoreh De’a* 251:9 and *Shakh* there).

BACKGROUND

Emancipated slave – עֶבֶד מְשׁוּחְרָר: A Canaanite slave is a gentile slave purchased by a Jew (see Leviticus 25:44–46). Upon his purchase, the slave is immersed in a ritual bath, and in the case of a male slave, circumcised. These acts signify a change in the personal status of the slave. Although he is not yet a full-fledged Jew, the Canaanite slave is obligated to observe all Torah prohibitions and to fulfill all positive mitzvot whose performance is not time bound. In many respects, Canaanite slaves are the property of their masters and may be sold and purchased like any other possession. A Canaanite slave’s master can set him free by means of a bill of manumission, a document similar in its format to a bill of divorce, but there is a mitzva to free a Canaanite slave only when there are compelling reasons to do so. A slave is freed immediately if his master blinds him, knocks out his tooth, or severs any one of his twenty-four extremities, whether or not the injury was caused intentionally (see Exodus 21:26–27). Upon his emancipation, the slave automatically becomes a Jew and is required to immerse in a ritual bath in the presence of three judges to complete his conversion. There is no requirement to inform him of the basic tenets of Judaism and the mitzvot or for him to accept them at that time, because he underwent that process at the time when he immersed for the purpose of becoming a slave.

Ignoramus [*am ha’aretz*] – עַם הָאָרֶץ: This term, literally meaning nation of the earth, is employed in reference to several different categories of people with different levels of knowledge and observance. At times it is employed to refer to those who are completely ignorant, and at times even to those who have studied Bible and Mishna but are untrained in advanced talmudic reasoning. In certain cases, the term refers to one accomplished in theoretical study but who has not served Torah scholars. There are instances where the term *am ha’aretz* refers to one who is not only ignorant of the Torah but who also treats the observance of mitzvot with contempt. One must completely avoid a person who falls into this category, as he is likely to intentionally or unintentionally act contrary to the *halakha*. The use of the term in reference to an ignoramus stems from the fact that gentiles are called nations of the earth. Others attribute the title to the Hebrew term *amum*, meaning dim or weak, an allusion to the fact that an ignoramus has a weak spirit.

NOTES

A Levite precedes an Israelite – לֵוִי לְיִשְׂרְאֵל: The conclusion in the Jerusalem Talmud is that this precedence was limited to the period during which the Levites would perform their service in the Temple. From Rashi, citing the *Sifrei*, it appears that the Levite precedes the Israelite only in Eretz Yisrael. Halakhic authorities disagree, and some say that even today, and even outside Eretz Yisrael, a Levite precedes an Israelite.

This was in the category of the curse – וְזֶה הָיָה בִּכְלַל אָרוּר: Some sought to explain that this is the case only with regard to a slave who is a descendant of Canaan, whom Noah had cursed. From Rashi it appears that this is the principle with regard to any slave, as the punishment for the cursed is slavery, as Noah cursed his grandson Canaan: “A slave of slaves shall he be to his brethren” (Genesis 9:25).

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LANGUAGE

Their inclination [*suran*] – סוּרָן: Some explain this term, based on the language of the Bible, in the sense of an item that is damaged, as in the verse: "They are all corrupt [*sar*], they together become impure" (Psalms 14:3). Others interpret it as a contraction of *se'or*, meaning leaven, in the metaphoric sense of corruption of one's character.

BACKGROUND

Their inclination is evil – סוּרָן רָע: Mice are omnivorous and get their nourishment from eating both animals and plants. Like many other rodents, mice also gnaw on materials that do not provide nourishment, in order to prevent their teeth, which grow constantly, from growing too long. At times, they gnaw on those inedible items to access minerals in those items. Therefore, mice cause damage even to non-edible property.

שָׁאֲלוּ תַּלְמִידָיו אֶת רַבִּי אֶלְעָזָר בְּרַבִּי צָדוֹק: מִפְּנֵי מָה הַכֹּל רָצִין לִישָּׁא גִּיּוֹרֶת, וְאֵין הַכֹּל רָצִין לִישָּׂא מְשׁוּחְרֶרֶת? אָמַר לָהֶם: זוֹ הָיְתָה בִּכְלַל אָרוּר, וְזוֹ לֹא הָיְתָה בִּכְלַל אָרוּר. דָּבָר אַחֵר: זוֹ הָיְתָה בְּחֶזְקַת שְׁמוּר, וְזוֹ לֹא הָיְתָה בְּחֶזְקַת שְׁמוּר.

The students of Rabbi Elazar, son of Rabbi Tzadok, asked him: **For what** reason **does everyone,** i.e., do many people, **run to marry a female convert, and not everyone runs to marry an emancipated** Canaanite maidservant? **He said to them: This** Canaanite maidservant **was in the category of** the **curse,** and **that** convert **was not in the category of** the **curse. Alternatively,** the reason is that **this** convert **has the presumptive status of chastity, and that** Canaanite maidservant **does not have the presumptive status of chastity.**

שָׁאֲלוּ תַּלְמִידָיו אֶת רַבִּי אֶלְעָזָר: מִפְּנֵי מָה הַכֶּלֶב מַכִּיר אֶת קוֹנוֹ, וְחָתוּל אֵינוֹ מַכִּיר אֶת קוֹנוֹ? אָמַר לָהֶם: וּמָה הָאוֹכֵל מִמַּה שֶּׁעָכְבָּר אוֹכֵל מְשַׁכֵּחַ, הָאוֹכֵל עַכְבָּר עַצְמוֹ עַל אַחַת כַּמָּה וְכַמָּה.

The students of Rabbi Elazar asked him: **For what** reason **does a dog recognize its master, while a cat does not recognize its master?** Rabbi Elazar **said to them: If** it is established that with regard to **one who eats from that which a mouse eats,** eating that item **causes him to forget,** with regard to the cat, **who eats the mouse itself, all the more so** does eating it cause it to forget.

שָׁאֲלוּ תַּלְמִידָיו אֶת רַבִּי אֱלִיעֶזֶר: מִפְּנֵי מָה הַכֹּל מוֹשְׁלִים בָּעַכְבָּרִים? מִפְּנֵי שֶׁסּוּרָן רָע. מַאי הִיא? רָבָא אָמַר: אֲפִילּוּ גְּלִימֵי גָּיְיצִי.

The students of Rabbi Eliezer asked him: **For what** reason do **all** predators **dominate mice** and prey on them? He said to them: **Because** concerning mice, **their inclination** [*shesuran*]^{L} **is evil.**^{B} The Gemara asks: **What is** the indication of this? Rava said: **They gnaw even at cloaks,** despite the fact that cloaks do not provide nourishment for them.

Perek **III**
Daf **13** Amud **b**

NOTES

And one who is accustomed to olives – וְהָרָגִיל בְּזֵיתִים: Some say that the reference is to olives pickled in salt (Meiri). Other say that it refers to raw olives that were not pickled (Ya'avetz).

LANGUAGE

Hard-boiled egg [*beitza megulgelet*] – בֵּיצָה מְגוּלְגֶּלֶת: This is a hard-boiled egg. It is called *megulgelet*, meaning rolled, because a soft-boiled egg does not roll easily because of the inertia of the liquid inside. After the egg is boiled and the liquid congeals, it rolls easily.

רַב פַּפָּא אָמַר: אֲפִילּוּ שׁוּפְתָּא מָרָא גָּיְיצִי.

Rav Pappa said: They gnaw even on the handle of a hoe.

תָּנוּ רַבָּנָן, חֲמִשָּׁה דְּבָרִים מְשַׁכְּחִים אֶת הַתַּלְמוּד: הָאוֹכֵל מִמַּה שֶּׁאוֹכֵל עַכְבָּר וּמִמַּה שֶּׁאוֹכֵל חָתוּל, וְהָאוֹכֵל לֵב שֶׁל בְּהֵמָה, וְהָרָגִיל בְּזֵיתִים, וְהַשּׁוֹתֶה מַיִם שֶׁל שִׁיּוּרֵי רְחִיצָה, וְהָרוֹחֵץ רַגְלָיו זוֹ עַל גַּבֵּי זוֹ; וְיֵשׁ אוֹמְרִים: אַף הַמַּנִּיחַ כֵּלָיו תַּחַת מְרַאֲשׁוֹתָיו. חֲמִשָּׁה דְּבָרִים מְשִׁיבִים אֶת הַתַּלְמוּד: פַּת פָּחָמִין וְכָל שֶׁכֵּן פָּחָמִין עַצְמָן, וְהָאוֹכֵל בֵּיצָה מְגוּלְגֶּלֶת בְּלֹא מֶלַח, וְהָרָגִיל בְּשֶׁמֶן זַיִת, וְהָרָגִיל בְּיַיִן וּבְשָׂמִים, וְהַשּׁוֹתֶה מַיִם שֶׁל שִׁיּוּרֵי עִיסָּה; וְיֵשׁ אוֹמְרִים: אַף הַטּוֹבֵל אֶצְבָּעוֹ בְּמֶלַח וְאוֹכֵל.

§ **The Sages taught** in a *baraita*: There are **five factors** that **cause** one to **forget** his Torah **study: One who eats from that which a mouse eats and from that which a cat eats, and one who eats the heart of an animal, and one who is accustomed to** eating **olives,**^{N} **and one who drinks water that remains from washing, and one who washes his feet** with **this** foot **atop that** foot. **And some say: Also one who places his garments under his head.** Correspondingly, there are **five factors** that **restore** forgotten Torah **study:** Eating **bread baked on coals and all the more so** one who warms himself with the heat of the **coals themselves, and one who eats a hard-boiled egg** [*beitza megulgelet*]^{L} **without salt, and one who is accustomed to** eating **olive oil, and one who is accustomed to** drinking **wine and** smelling **spices, and one who drinks water that remains from** kneading **dough. And some say: Also one who dips his finger in salt and eats** it.

"הָרָגִיל בְּשֶׁמֶן זַיִת"; מְסַיֵּיעַ לֵיהּ לְרַבִּי יוֹחָנָן, דַּאֲמַר רַבִּי יוֹחָנָן: כְּשֵׁם שֶׁהַזַּיִת מְשַׁכֵּחַ תַּלְמוּד שֶׁל שִׁבְעִים שָׁנָה, כָּךְ שֶׁמֶן זַיִת מֵשִׁיב תַּלְמוּד שֶׁל שִׁבְעִים שָׁנָה.

The Gemara elaborates on the *baraita*: **One who is accustomed to** eating **olive oil** restores forgotten Torah study. The Gemara notes: This **supports** the opinion of **Rabbi Yoḥanan, as Rabbi Yoḥanan said: Just as** eating **an olive causes** one **to forget seventy years' worth of** Torah **study, olive oil restores seventy years' worth of** Torah **study.**

"וְהָרָגִיל בְּיַיִן וּבְשָׂמִים"; מְסַיֵּיעַ לֵיהּ לְרָבָא, דַּאֲמַר רָבָא: חַמְרָא וְרֵיחָנֵי פַּקְחִין.

The *baraita* continues: **And one who is accustomed to** drinking **wine and** smelling **spices** restores forgotten Torah study. The Gemara notes: This **supports** the opinion of **Rava, as Rava said: Wine and spices rendered me wise.**

"וְהַטּוֹבֵל אֶצְבָּעוֹ בְּמֶלַח"; אָמַר רֵישׁ לָקִישׁ: וּבְאַחַת. כְּתַנָּאֵי, רַבִּי יְהוּדָה אוֹמֵר: אַחַת וְלֹא שְׁתַּיִם, רַבִּי יוֹסֵי אוֹמֵר: שְׁתַּיִם וְלֹא שָׁלֹשׁ; וְסִימָנֵיךְ: קְמִיצָה.

The *baraita* continues: **One who dips his finger in salt** and eats it restores forgotten Torah study. **Reish Lakish says: And** that is the case **with regard to one** finger. The Gemara notes: This is **parallel to** a dispute between ***tanna'im*. Rabbi Yehuda says: One** finger **but not two. Rabbi Yosei says: Two** fingers **but not three. And your mnemonic** for the fact that the dispute is between one and two fingers is ***kemitza,*** i.e., the ring finger. When one presses his ring finger to his palm, there remain two straight fingers on one side and one on the other.

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עֲשָׂרָה דְּבָרִים קָשִׁים לַתַּלְמוּד: הָעוֹבֵר תַּחַת הָאַפְסָר [הַגָּמָל] וְכָל שֶׁכֵּן תַּחַת גָּמָל [עַצְמוֹ], וְהָעוֹבֵר בֵּין שְׁנֵי גְּמַלִּים, וְהָעוֹבֵר בֵּין שְׁתֵּי נָשִׁים, וְהָאִשָּׁה הָעוֹבֶרֶת בֵּין שְׁנֵי אֲנָשִׁים, וְהָעוֹבֵר מִתַּחַת רֵיחַ רַע שֶׁל נְבֵילָה, וְהָעוֹבֵר תַּחַת הַגֶּשֶׁר שֶׁלֹּא עָבְרוּ תַּחְתָּיו מַיִם אַרְבָּעִים יוֹם, וְהָאוֹכֵל פַּת שֶׁלֹּא בָּשֵׁל כָּל צָרְכּוֹ, וְהָאוֹכֵל בָּשָׂר מִזּוּהֲמָא לִיסְטְרוֹן, וְהַשּׁוֹתֶה מֵאַמַּת הַמַּיִם הָעוֹבֶרֶת בְּבֵית הַקְּבָרוֹת, וְהַמִּסְתַּכֵּל בִּפְנֵי הַמֵּת; וְיֵשׁ אוֹמְרִים: אַף הַקּוֹרֵא כְּתָב שֶׁעַל גַּבֵּי הַקֶּבֶר.

Ten factors are detrimental for Torah **study:**[N] **One who passes beneath the bit of the camel, and all the more so** one who passes **beneath a camel itself; and one who passes between two camels; and one who passes between two women; and a woman who passes between two men; and one who passes beneath** a place where there is the **foul odor of an animal carcass; and one who passes under a bridge beneath which water has not passed** for **forty days; and one who eats bread that was not sufficiently baked; and one who eats meat from *zuhama listeron*,**[L] a utensil consisting of a spoon and a fork, used to remove the film on the surface of soup; **and one who drinks from an aqueduct that passes through a cemetery; and one who gazes at the face of the dead. And some say: Also one who reads the writing that is on** the stone of **a grave.**

תָּנוּ רַבָּנָן: כְּשֶׁהַנָּשִׂיא נִכְנָס, כָּל הָעָם עוֹמְדִים, וְאֵין יוֹשְׁבִים עַד שֶׁאוֹמֵר לָהֶם: שְׁבוּ; כְּשֶׁאַב בֵּית דִּין נִכְנָס, עוֹשִׂים לוֹ שׁוּרָה אַחַת מִכָּאן וְשׁוּרָה אַחַת מִכָּאן עַד שֶׁיֵּשֵׁב בִּמְקוֹמוֹ; כְּשֶׁחָכָם נִכְנָס, אֶחָד עוֹמֵד וְאֶחָד יוֹשֵׁב עַד שֶׁיֵּשֵׁב בִּמְקוֹמוֹ. בְּנֵי חֲכָמִים וְתַלְמִידֵי חֲכָמִים, בִּזְמַן שֶׁרַבִּים צְרִיכִים לָהֶם – מַפְסִיעִין עַל רָאשֵׁי הָעָם, יָצָא לְצוֹרֶךְ – יִכָּנֵס וְיֵשֵׁב בִּמְקוֹמוֹ.

§ **The Sages taught** in a *baraita*: **When the *Nasi*** of the Sanhedrin **enters,**[H] **all the people stand and they do not sit until he says to them: Sit. When the deputy *Nasi*** of the Sanhedrin **enters,** the people **form for him one row from here,** on this side of the path that he takes, **and one row from there,** on the other side of it, in a display of deference, **until he sits in his place,** and then they may be seated. **When the *Ḥakham*,** who is ranked third among the members of the Sanhedrin, **enters, one** person **stands** when he is within four cubits of the *Ḥakham*, **and another sits,** i.e., when one is no longer within four cubits of the *Ḥakham* he may sit. And all those whom the Ḥakham passes do this, **until he sits in his place. When the multitudes require their** services, i.e., they serve a public role, **sons of the Sages and Torah scholars may step over the heads of the people**[H] seated on the ground in order to reach their places in the Sanhedrin. If one of the Sages **left for** the **purpose** of relieving himself, when he is finished **he may enter and sit in his place** in the Sanhedrin, and he need not be concerned that he is imposing upon those assembled.

בְּנֵי תַלְמִידֵי חֲכָמִים שֶׁמְּמוּנִים אֲבִיהֶם פַּרְנָס עַל הַצִּבּוּר, בִּזְמַן שֶׁיֵּשׁ לָהֶם דַּעַת לִשְׁמוֹעַ – נִכְנָסִים וְיוֹשְׁבִים לִפְנֵי אֲבִיהֶם וְאַחוֹרֵיהֶם כְּלַפֵּי הָעָם, בִּזְמַן שֶׁאֵין לָהֶם דַּעַת לִשְׁמוֹעַ – נִכְנָסִים וְיוֹשְׁבִים לִפְנֵי אֲבִיהֶם וּפְנֵיהֶם כְּלַפֵּי הָעָם. רַבִּי אֶלְעָזָר בַּר רַבִּי [צָדוֹק] אוֹמֵר: אַף בְּבֵית הַמִּשְׁתֶּה עוֹשִׂים אוֹתָם סַנְיִפִין.

When they have the wisdom to hear and to study, **the sons of Torah scholars, whose fathers are appointed**[H] **as leaders of the congregation, enter and sit before their fathers, and their backs** are directed **toward the people. When they do not have the wisdom to hear** and to study **they enter and sit before their fathers, and their faces** are directed **toward the people,** so everyone sees that they are seated there in deference to their fathers but not as students. **Rabbi Elazar, son of Rabbi Tzadok, says: Even at** a wedding **party one renders them attachments** [***senifin***][L] and seats them adjacent to their fathers.

[אָמַר מָר:] יָצָא לְצוֹרֶךְ – נִכְנָס וְיוֹשֵׁב בִּמְקוֹמוֹ. אָמַר רַב פַּפָּא: לֹא אָמְרוּ אֶלָּא לְקַטַנִּים, אֲבָל לִגְדוֹלִים לֹא, הֲוָה לֵיהּ לְמִבְדַּק נַפְשֵׁיהּ מֵעִיקָּרָא, דְּאָמַר רַב יְהוּדָה אָמַר רַב: לְעוֹלָם יַלְמֵּד אָדָם עַצְמוֹ לְהַשְׁכִּים וּלְהַעֲרִיב, כְּדֵי שֶׁלֹּא יִתְרַחֵק. (אָמַר רָבָא:) הָאִידָּנָא דְּחַלְשָׁא עָלְמָא, אֲפִילּוּ לִגְדוֹלִים נָמֵי.

The Master said: If one of the Sages **left for** the **purpose** of relieving himself, when he is finished **he may enter and sit in his place. Rav Pappa said:** The Sages **said** this **only** with regard to one who leaves **for minor** bodily functions, i.e., to urinate. **But** with regard to one who leaves **for major** bodily functions, i.e., to defecate, **no,** he may not return to his place, because **he should have examined himself initially** so that he would not need to leave. His failure to do so constitutes negligence and he may not impose upon others when he returns, **as Rav Yehuda says** that **Rav says: A person should always accustom himself to** relieving himself **in the morning and in the evening so that he will not** need to **distance himself**[N] during the daylight hours to find an appropriate place. **Rava said: Today, when the world is weak** and people are not as healthy as they once were, one may **even** return after he leaves **for major** bodily functions.

רַבִּי אֶלְעָזָר בַּר רַבִּי [צָדוֹק] אוֹמֵר: אַף בְּבֵית הַמִּשְׁתֶּה עוֹשִׂים אוֹתָם סַנְיִפִין. אָמַר רָבָא: בְּחַיֵּי אֲבִיהֶם, בִּפְנֵי אֲבִיהֶם.

Rabbi Elazar, son of Rabbi Tzadok, says: Even at a wedding **party one renders them attachments. Rava said:** This applies **during the lifetime of their fathers and in the presence of their fathers.**

NOTES

Ten factors are detrimental for Torah study – עֲשָׂרָה דְּבָרִים קָשִׁים לַתַּלְמוּד: Rabbeinu Yedaya HaPenini explains these factors rationally. He explains that passing between two women, and similarly, a woman passing immodestly between two men, distracts the mind and leads to thoughts of transgression. A foul odor of any kind and water that flows from a cemetery contain mold that causes damage. With regard to one who peers at the face of a corpse and one who reads the writing on a gravestone, the reason is that one does this when someone close to him has died, which can leave one depressed.

So that he will not distance himself – שֶׁלֹּא יִתְרַחֵק: In talmudic times, people would relieve themselves in fields and open spaces. During the day, one had to go a great distance to avoid being seen. Some say that in the interest of cleanliness, it is appropriate to relieve oneself before prayer even today (*Be'er Sheva*).

LANGUAGE

***Zuhama listeron* – זוּהֲמָא לִיסְטְרוֹן:** In the Jerusalem Talmud this term appears as *zumi listeran*, which is closer to its Greek origin: ζωμός, *zomos*, meaning juice, soup, or sauce, and λίστρον, *listron*, meaning spoon or tool for leveling. The talmudic expression means ladle.

Zuhama listeron, according to the interpretation of the *ge'onim*

Attachments [*senifin*] – סְנִיפִין: The primary meaning of this term is small pieces of wood that are attached to the end of a large beam. Likewise, there is a Hebrew verb *sanaf* that means to attach one item to other items. There are similar roots in Syriac and Arabic, and some relate this word to the Hebrew *anaf*, meaning branch.

HALAKHA

When the *Nasi* enters – כְּשֶׁהַנָּשִׂיא נִכְנָס: When the *Nasi* enters the study hall, everyone stands and remains standing until he instructs them to sit. When the deputy *Nasi* enters, they create a row on either side of the path he takes and they remain standing until he reaches his place. When the *Ḥakham* enters, anyone within four cubits of him stands until he reaches his place. The *Shakh* writes that today, when there is no *Nasi* or Sanhedrin, the custom is to stand before the head of a yeshiva and the head of a religious court so that there will be no distinction between the Sages (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 6:6; *Shulḥan Arukh*, *Yoreh De'a* 244:15).

May step over the heads of the people – מַפְסִיעִין עַל רָאשֵׁי הָעָם: At a time when the multitudes require their services, Torah scholars and their children may step over the people to reach their places. A Torah scholar should not enter the court last. If a Torah scholar must leave to relieve himself he may return to his place (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 6:7; *Shulḥan Arukh*, *Yoreh De'a* 244:16).

Sons of Torah scholars whose…are appointed – בְּנֵי תַלְמִידֵי חֲכָמִים שֶׁמְּמוּנִים: If they have the wisdom to hear and to study, the sons of Torah scholars, whose fathers are appointed as community leaders, enter and sit before their fathers, and their backs are directed toward the people. If they do not have the wisdom to hear and to study they enter and sit before their fathers, and their faces are directed toward the people (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 6:7; *Shulḥan Arukh*, *Yoreh De'a* 244:17).

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אָמַר רַבִּי יוֹחָנָן: בִּימֵי רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל נִישְׁנֵית מִשְׁנָה זוֹ, רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל – נָשִׂיא, רַבִּי מֵאִיר – חָכָם, רַבִּי נָתָן – אַב בֵּית דִּין, כִּי הֲוָה רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל הָתָם הֲווּ קָיְימֵי כּוּלֵּי עָלְמָא מִקַּמַּיְיהוּ, כִּי הֲווּ עָיְילֵי רַבִּי מֵאִיר וְרַבִּי נָתָן הֲווּ קָיְימֵי כּוּלֵּי עָלְמָא מִקַּמַּיְיהוּ, אֲמַר רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל: לָא בָּעוּ לְמֶיהֱוֵי הֵיכְרָא בֵּין דִּילִי לְדִידְהוּ? תַּקִּין הָא מַתְנִיתָא.

§ **Rabbi Yoḥanan says: This mishna,** i.e., the preceding *baraita*, **was taught during the days of Rabban Shimon ben Gamliel. Rabban Shimon ben Gamliel** was the ***Nasi*, Rabbi Meir**[P] was the ***Ḥakham*,** and **Rabbi Natan**[P] was the **deputy *Nasi*. When Rabban Shimon ben Gamliel was there, everyone would arise before him. When Rabbi Meir and Rabbi Natan would enter, everyone would arise before them. Rabban Shimon ben Gamliel said: Shouldn't there be a conspicuous distinction between me and them** in terms of the manner in which deference is shown? Rabban Shimon ben Gamliel **instituted** the provisions delineated in **this *baraita*** that distinguish between the *Nasi* and his subordinates with regard to the deference shown them.

הַהוּא יוֹמָא לָא הֲווּ רַבִּי מֵאִיר וְרַבִּי נָתָן הָתָם, לְמָחָר כִּי אֲתוּ, חֲזוּ דְּלָא קָמוּ מִקַּמַּיְיהוּ כִּדְרָגִילָא מִילְּתָא, אָמְרִי: מַאי הַאי? אֲמַרוּ לְהוּ: הָכִי תַּקִּין רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל.

That day, when Rabban Shimon ben Gamliel instituted these provisions, **Rabbi Meir and Rabbi Natan were not there. The following day when they came** to the study hall, **they saw that** the people **did not stand before them as the matter was typically** done. **They said: What is this?** The people **said to them: This** is what **Rabban Shimon ben Gamliel instituted.**

אֲמַר לֵיהּ רַבִּי מֵאִיר לְרַבִּי נָתָן: אֲנָא חָכָם וְאַתְּ אַב בֵּית דִּין, נַתְקִין מִילְּתָא כִּי לְדִידָן. מַאי נַעֲבִיד לֵיהּ? נֵימָא לֵיהּ: גַּלֵּי עוֹקְצִים, דְּלֵית לֵיהּ, וְכֵיוָן דְּלָא גָּמַר, נֵימָא לֵיהּ: "מִי יְמַלֵּל גְּבוּרוֹת ה' יַשְׁמִיעַ כָּל תְּהִלָּתוֹ", לְמִי נָאֶה לְמַלֵּל גְּבוּרוֹת ה'? מִי שֶׁיָּכוֹל לְהַשְׁמִיעַ כָּל תְּהִלּוֹתָיו, נַעְבְּרֵיהּ, וְהָוֵי אֲנָא אַב בֵּית דִּין וְאַתְּ נָשִׂיא.

Rabbi Meir said to Rabbi Natan: I am the ***Ḥakham* and you are** the **deputy *Nasi*. Let us devise a matter** and do to him **as he did to us. What shall we do to him? Let us say to him: Reveal** to us tractate ***Okatzim*,**[N] **which he does not** know. **And once** it is clear to all **that he did not learn,** he will not have anything to say. Then **we will say to him: "Who can express the mighty acts of the Lord, shall make all His praises heard?"** (Psalms 106:2), indicating: **For whom is it becoming to express the mighty acts of the Lord?** It is becoming for **one who is capable of making all His praises heard,** and not for one who does not know one of the tractates. **We will remove him** from his position as *Nasi*, **and I will be deputy *Nasi* and you** will be ***Nasi*.**

שְׁמָעִינְהוּ רַבִּי יַעֲקֹב בֶּן קָרְשִׁי, אָמַר: דִּלְמָא חַס וְשָׁלוֹם אָתְיָא מִלְּתָא לִידֵי כִּיסּוּפָא, אֶזַל יָתִיב אַחוֹרֵי עִילַּוְיֵיהּ דְּרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל, פָּשַׁט, גָּרַס וּתְנָא, גָּרַס וּתְנָא.

Rabbi Ya'akov ben Korshei[P] **heard them** talking, and **said: Perhaps, Heaven forfend,** this **matter** will **come to** a situation of **humiliation** for Rabban Shimon ben Gamliel. He did not wish to speak criticism or gossip about Rabbi Meir and Rabbi Natan, so **he went** and **sat behind the upper story** where **Rabban Shimon ben Gamliel** lived. **He explained** tractate *Okatzin*; **he studied** it aloud **and repeated** it, and **studied** it aloud **and repeated** it.

אֲמַר: מַאי דְּקָמָא? דִּלְמָא חַס וְשָׁלוֹם אִיכָּא בֵּי מִדְרָשָׁא מִידֵּי; יְהַב דַּעְתֵּיהּ וּגְרָסָה. לְמָחָר אֲמַרוּ לֵיהּ: נֵיתֵי מָר וְנֵיתְנֵי בְּעוֹקְצִין, פָּתַח וַאֲמַר. בָּתַר דְּאוֹקִים, אֲמַר לְהוּ: אִי לָא גָּמִירְנָא כְּסִיפְיָתְנַן,

Rabban Shimon ben Gamliel **said** to himself: **What** is this **that** is transpiring **before us? Perhaps, Heaven forfend, there is something** transpiring in **the study hall.** He suspected that Rabbi Meir and Rabbi Natan were planning something. **He concentrated and studied** tractate *Okatzin*. **The following** day Rabbi Meir and Rabbi Natan **said to him: Let the Master come and teach** a lesson **in** tractate ***Okatzin*. He began and stated** the lesson he had prepared. **After he completed** teaching the tractate, **he said to them: If I had not studied** the tractate, **you** would have **humiliated me.**

פְּקִיד וְאַפְקִינְהוּ מִבֵּי מִדְרָשָׁא. הָווּ כָּתְבִי קוּשְׁיָיתָא [בְּפִתְקָא] וּשְׁדוּ הָתָם, דַּהֲוָה מִיפְרִיק מִיפְרִיק, דְּלָא הָווּ מִיפְרִיק כָּתְבִי פִּירוּקֵי וְשָׁדוּ. אֲמַר לְהוּ רַבִּי יוֹסֵי: תּוֹרָה מִבַּחוּץ וְאָנוּ מִבִּפְנִים?

Rabban Shimon ben Gamliel **commanded** those present **and they expelled** Rabbi Meir and Rabbi Natan **from the study hall** as punishment. Rabbi Meir and Rabbi Natan **would write difficulties on a scrap of paper** [***pitka***]ʟ **and would throw** them **there** into the study hall. Those difficulties **that were resolved were resolved;** as for those **that were not resolved,** Rabbi Meir and Rabbi Natan **wrote resolutions** on a scrap of paper **and threw** them into the study hall. **Rabbi Yosei said to** the Sages: How is it that the **Torah,** embodied in the preeminent Torah scholars, **is outside and we are inside?**

PERSONALITIES

Rabbi Meir – רַבִּי מֵאִיר: Rabbi Meir was one of the greatest *tanna'im* of the generation that preceded the redaction of the Mishna. While there is no definitive information available concerning the identities of his parents, the Gemara relates that he descended from a family of converts who were related to Roman emperors. Rabbi Meir's genius in Torah study was evident from a very early age. He was a student of the two greatest scholars of the previous generation, Rabbi Yishmael and Rabbi Akiva. He was the only Sage who continued to study with Elisha ben Avuya after the latter's estrangement from Torah Judaism. His primary teacher was Rabbi Akiva, who ordained him when he was very young. When he was older he sought a second ordination from Rabbi Yehuda ben Bava. In recognition of his outstanding scholarship, Rabbi Meir was appointed *Ḥakham*, literally, scholar, which was the third-highest position in the Sanhedrin, after the *Nasi* and the deputy *Nasi*. The halakhic discussions between Rabbi Meir and his colleagues Rabbi Yehuda, Rabbi Yosei, Rabbi Shimon, and Rabbi Elazar constitute a large portion of the Mishna. Rabbi Meir's greatest undertaking appears to have been a structured oral redaction of the Oral Law. Apparently, Rabbi Yehuda HaNasi continued and expanded upon Rabbi Meir's work, which he incorporated into the Mishna. That is the basis for the well-known principle that an unattributed statement in the Mishna is ascribed to Rabbi Meir, as presumably it is one of the proto-*mishnayot* that he formulated.

Rabbi Natan – רַבִּי נָתָן: This is Rabbi Natan the Babylonian, one of the prominent *tanna'im* of the generation before the Mishna was redacted. Rabbi Natan was the son of the Exilarch in Babylonia and a descendant of the royal family of King David. Because of his erudition in Torah and his noble lineage, he was appointed deputy *Nasi*, the second-highest position in the Sanhedrin. Rabbi Natan was famous for his extensive knowledge and for his profound understanding of the *halakhot* governing monetary matters. He was famous for his piety, and it is related that Elijah the prophet would appear to him.

Rabbi Natan redacted several volumes of the Mishna, and *Avot deRabbi Natan* is named for him. Many members of the next generation were his disciples. The most significant of these was Rabbi Yehuda HaNasi.

Rabbi Ya'akov ben Korshei – רַבִּי יַעֲקֹב בֶּן קָרְשִׁי: When Rabbi Ya'akov is named in the Talmud without further specification, it refers to Rabbi Ya'akov ben Korshei, a *tanna* of the generation before the Mishna was redacted. Rabbi Ya'akov was well versed in the statements of the *tanna'im*. He was apparently the teacher of Rabbi Yehuda HaNasi, who received many halakhic traditions from him. His halakhic and aggadic statements appear in both the Mishna and the Talmud. Some hold that Rabbi Ya'akov was the son of the daughter of Elisha ben Avuya, *Aḥer*.

LANGUAGE

Scrap of paper [*pitka*] – פִּתְקָא: From the Greek πιττάκιον, *pittakion*, meaning small tablet, scrap of paper, or parchment.

NOTES

***Okatzim* – עוֹקְצִים:** This is a brief tractate in the order of *Teharot* that discusses the *halakhot* of the stems and peels of a fruit or vegetable in terms of whether they are factored together with the produce to constitute the minimum measure for ritual impurity, or whether impurity that comes into contact with the stem renders the entire item impure.

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אָמַר לָהֶן רַבָּן [שִׁמְעוֹן בֶּן] גַּמְלִיאֵל: נֵיעָיְילִינְהוּ, מִיהוּ נִיקְנְסִינְהוּ דְּלָא נֵימְרוּ שְׁמַעֲתָא מִשְׁמַיְיהוּ. אַסְּיְקוּ לְרַבִּי מֵאִיר – "אֲחֵרִים", וּלְרַבִּי נָתָן – "יֵשׁ אוֹמְרִים". אַחֲוִו לְהוּ בְּחֶלְמַיְיהוּ: זִילוּ פַּיְּיסוּהוּ [לְרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל]. רַבִּי נָתָן אָזַל, רַבִּי מֵאִיר לָא אָזַל, אָמַר: דִּבְרֵי חֲלוֹמוֹת לֹא מַעֲלִין וְלֹא מוֹרִידִין. כִּי אָזַל רַבִּי נָתָן, אָמַר לֵיהּ רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל: נְהִי דְּאַהֲנַי לָךְ קַמָּרָא דַּאֲבוּךְ לְמֶהֱוֵי אַב בֵּית דִּין, שְׁוִינֵיךְ נַמִי נָשִׂיא?!

Rabban Shimon ben Gamliel said to them: Let us admit them into the study hall. **But we will penalize them** in **that we will not cite *halakha* in their names. They cited** statements **of Rabbi Meir** in the name of ***Aḥerim,*** meaning: Others, **and** they cited statements **of Rabbi Natan** in the name of ***yesh omerim,*** meaning: Some say. Rabbi Meir and Rabbi Natan **were shown** a message **in their dreams: Go, appease Rabban Shimon ben Gamliel. Rabbi Natan went. Rabbi Meir did not go. He said** in his heart: **Matters of dreams are insignificant. When Rabbi Natan went, Rabban Shimon ben Gamliel said to him: Although the** ornate **belt,**[B] i.e., the importance, **of your father was effective** in enabling you **to become deputy *Nasi,*** as Rabbi Natan's father was the Babylonian Exilarch, **will it render you *Nasi* as well?**

מַתְנִי לֵיהּ רַבִּי לְרַבָּן שִׁמְעוֹן בְּרֵיהּ, אֲחֵרִים אוֹמְרִים: אִילּוּ הָיָה תְּמוּרָה

Years later, **Rabbi** Yehuda HaNasi **taught Rabban Shimon his son** that ***Aḥerim* say: If it was** considered **a substitute,**[N]

BACKGROUND

Belt – קַמָּרָא:

Golden belt buckle from the reign of the Sassanid king Ardashir I at the beginning of the amoraic period

NOTES

If it was a substitute – אִילּוּ הָיָה תְּמוּרָה: This refers to a dispute with regard to one who errs in separating animal tithe. After mistakenly designating the ninth animal as the tenth, he attempts to rectify the situation by designating the tenth animal as the ninth and the eleventh animal as the tenth. The dispute is with regard to the status of the eleventh animal: Is its status that of an animal that was consecrated, or is it that of the substitute for the tenth animal?

Perek **III**
Daf **14** Amud **a**

לֹא הָיָה קָרֵב. אָמַר לוֹ: מִי הֵם הַלָּלוּ שֶׁמֵּימֵיהֶם אָנוּ שׁוֹתִים וּשְׁמוֹתָם אֵין אָנוּ מַזְכִּירִים? אָמַר לֵיהּ: בְּנֵי אָדָם שֶׁבִּקְּשׁוּ לַעֲקוֹר כְּבוֹדְךָ וּכְבוֹד בֵּית אָבִיךָ.

it would not be sacrificed. Rabbi Yehuda HaNasi's son **said to him: Who are these** Sages **whose water we drink but whose names we do not mention?** Rabbi Yehuda HaNasi **said to him:** They are **people who sought to abolish your honor and the honor of your father's house.**[N]

אָמַר לֵיהּ: "גַּם אַהֲבָתָם גַּם שִׂנְאָתָם גַּם קִנְאָתָם כְּבָר אָבָדָה"! אָמַר לֵיהּ: "הָאוֹיֵב תַּמּוּ חֳרָבוֹת לָנֶצַח". אָמַר לֵיהּ: הָנֵי מִלֵּי הֵיכָא דְּאַהֲנוּ מַעֲשַׂיְיהוּ, רַבָּנַן לָא אַהֲנוּ מַעֲשַׂיְיהוּ! הֲדַר אָתְנֵי לֵיהּ, אָמְרוּ מְשׁוּם רַבִּי מֵאִיר: אִילּוּ הָיָה תְּמוּרָה לֹא הָיָה קָרֵב. אָמַר רָבָא: אֲפִילּוּ רַבִּי דְּעַנְוְותָנָא הוּא, תְּנָא "אָמְרוּ מְשׁוּם רַבִּי מֵאִיר", "אָמַר רַבִּי מֵאִיר" לֹא אָמַר.

His son **said to him,** citing the verse: **"Their love as well as their hatred and their envy is long ago perished"** (Ecclesiastes 9:6): That was long ago and they have already died. Therefore, there is no harm in mentioning their names. Rabbi Yehuda HaNasi **said to him:** But it is also stated: **"The enemy are come to an end; the wasted places are forever"** (Psalms 9:7). Although the enemies died, the desolation that they created remains. Therefore, although they are dead, their names should not be mentioned. Rabban Shimon **said to** his father: **These matters** apply in a case **where their actions were effective.** In the case of these **Sages, their actions were not effective.** Rabbi Yehuda HaNasi **then taught him:** The Sages **said in the name of Rabbi Meir: If it was** considered **a substitute, it would not be sacrificed. Rava said: Even Rabbi** Yehuda HaNasi, **who is humble, taught:** The Sages **said in the name of Rabbi Meir.** But **he did not say** directly: **Rabbi Meir said.**

אָמַר רַבִּי יוֹחָנָן: פְּלִיגוּ בָּהּ רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל וְרַבָּנַן, חַד אָמַר: סִינַי עָדִיף, וְחַד אָמַר: עוֹקֵר הָרִים עָדִיף.

§ **Rabbi Yoḥanan said: Rabban Shimon ben Gamliel and the Rabbis disagreed with regard to this** matter.[N] **One said: Sinai,** i.e., one who is extremely knowledgeable, **is preferable; and one said:** One who **uproots mountains,** i.e., one who is extremely incisive, **is preferable.**

NOTES

Your honor and the honor of your father's house – כְּבוֹדְךָ וּכְבוֹד בֵּית אָבִיךָ: Even if you are willing to overlook the slight to your honor, you cannot forgive the slight to your father's house (Maharsha).

Disagreed with regard to this matter, etc. – פְּלִיגוּ בָּהּ וכו': Some explain that the statement of Rabbi Yoḥanan is an explanation of the incident that he had related concerning Rabban Shimon ben Gamliel. Rabban Shimon ben Gamliel was incisive but his knowledge was not as extensive as the knowledge of Rabbi Meir and Rabbi Natan; therefore, they found a reason to oust him. Rabban Shimon ben Gamliel considered incisiveness to be a superior quality.

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רַב יוֹסֵף סִינַי, רַבָּה עוֹקֵר הָרִים, שָׁלְחוּ לְהָתָם: אֵיזֶה מֵהֶם קוֹדֵם? שָׁלְחוּ לְהוּ: סִינַי עָדִיף, דְּאָמַר מָר: הַכֹּל צְרִיכִין לְמָרֵי חִסְיָא. וַאֲפִילּוּ הָכִי לָא קַבֵּיל רַב יוֹסֵף עֲלֵיהּ. מָלַךְ רַבָּה עֶשְׂרִין וְתַרְתֵּי שְׁנִין, וַהֲדַר מָלַךְ רַב יוֹסֵף. וְכָל שְׁנֵי דְּמָלַךְ רַבָּה, רַב יוֹסֵף אֲפִילּוּ אוּמָנָא לְבֵיתֵיהּ לָא חָלֵיף.

Rav Yosef[P] was **Sinai; Rabba**[P] was one who **uproots mountains. They sent** a message from Babylonia **to there,** Eretz Yisrael: **Which takes precedence? They sent** in response: **Sinai is preferable, as the Master said: Everyone requires the owner of the wheat,**[N] i.e., one who is expert in the sources. **And even so, Rav Yosef did not accept upon himself** the appointment of head of the yeshiva. **Rabba reigned for twenty-two years, and then Rav Yosef reigned.** The Gemara relates that in **all those years that Rabba presided,** Rav Yosef **did not even call a bloodletter**[B] **to his home.** Rav Yosef did not assume even the slightest air of authority, in deference to Rabba, and would go to seek out the bloodletter rather than expecting that the bloodletter would accommodate him.

אַבַּיֵי וְרָבָא וְרַבִּי זֵירָא וְרַבָּה בַּר מַתָּנָה הֲווּ יָתְבִי וְהֲווּ צְרִיכֵי רֵישָׁא, אָמְרִי: כָּל דְּאָמַר מִלְּתָא וְלָא מִפְרֵיךְ לֶהֱוֵי רֵישָׁא. דְּכוּלְּהוּ אֵיפְרִיךְ, דְּאַבַּיֵי לָא אֵיפְרִיךְ. חֲזָיֵיהּ רַבָּה לְאַבַּיֵי דְּגַבֵּהּ רֵישָׁא, אֲמַר לֵיהּ: נַחְמָנִי, פְּתַח וְאֵימָא.

The Gemara relates: **Abaye, Rava, Rabbi Zeira, and Rabba bar Mattana**[P] **were sitting** and studying in a group **and were in need** of **a head** for their group. **They said: Let anyone who will say a matter** that **is not refuted be** the **head. Everyone's** statements **were refuted,** and the statement **of Abaye was not refuted. Rabba saw that Abaye raised his head,** i.e., he noticed that his statement was not refuted. Rabba **said to him: Naḥmani,** calling Abaye by his name rather than by his nickname, **begin and say** your lecture.

אִיבַּעְיָא לְהוּ: רַבִּי זֵירָא וְרַבָּה בַּר רַב מַתָּנָה הֵי מִנַּייהוּ עָדִיף? רַבִּי זֵירָא חָרִיף וּמַקְשֶׁה, וְרַבָּה בַּר רַב מַתָּנָה מָתוּן וּמַסְקָא, מַאי? תֵּיקוּ.

A dilemma was raised before the Sages: Between **Rabbi Zeira and Rabba bar Rav Mattana, which of them is preferable? Rabbi Zeira is incisive and raises** pertinent **difficulties, and Rabba bar Rav Mattana is moderate** and not so incisive, **but** ultimately **he draws** the appropriate **conclusions. What** is the conclusion? Which is preferable? The Gemara concludes: The dilemma **shall stand** unresolved.

הדרן עלך כהן משיח
וסליקא לה מסכת הוריות

PERSONALITIES

Rav Yosef – רַב יוֹסֵף: Rav Yosef bar Ḥama was a third-generation Babylonian *amora* who resided in the city Meḥoza and may have served as the rabbi of that community. A student of Rav Sheshet, he studied from and taught many other Sages as well. He often engaged in halakhic discourse with Rabbi Zeira.

Rav Yosef's son was the prominent *amora* Rava. During his father's lifetime, he was already one of the most important Sages. There are several instances in the Talmud where Rava makes comments or suggestions to his father with regard to various halakhic matters, speaking respectfully, as a son addresses his father.

Rabba – רַבָּה: The name of this Sage was Rav Abba, which was contracted to Rabba. In the Jerusalem Talmud he is always called Rabbi Abba. Rabba was the son of Naḥmani the priest, and he was among the most prominent of the third-generation Babylonian *amora'im*. Rabba was the preeminent disciple of Rav Huna, who was a disciple of Rav, and his halakhic approach was based on the statements of Rav. He also studied Torah from Rav Yehuda and Rav Naḥman, and was a disciple-colleague of Rav Ḥisda. In his youth he was considered the sharpest of his contemporaries, and was characterized as one who uproots mountains. Rabba engaged in halakhic discourse with the great Sages of his generation, and the famous disputes between him and his colleague Rav Yosef, which are ruled in accordance with the opinion of Rabba in virtually every case, are among the foundations of the Babylonian Talmud. All the Sages of the following generation were essentially disciples of Rabba, and his nephew Abaye was his preeminent disciple. It is known that his private life was filled with suffering, and apparently some of his sons died during his lifetime. He was impoverished and eked out a livelihood from agricultural labor. The residents of his city oppressed him. Rabba died at a relatively young age, but managed to become one of the cornerstones of the Babylonian Talmud. His son, Rava, son of Rabba, was a prominent Sage of the following generation.

Rabba bar Mattana – רַבָּה בַּר מַתָּנָה: A fourth-generation Babylonian *amora*, his statements are cited several times in the Talmud, and he is known to have been a student of Rabba and Rav Sheshet. Some hold that Rabba bar Mattana is the *amora* typically called Rabbi Abba, who may have immigrated to Eretz Yisrael and then returned to Babylonia due to religious persecution in Eretz Yisrael. If it is the same person, his statements are cited in both the Babylonian Talmud and the Jerusalem Talmud.

NOTES

Everyone requires the owner of the wheat – הַכֹּל צְרִיכִין לְמָרֵי חִסְיָא: Everyone is in need of the basic fundamentals, i.e., the *mishnayot* and halakhic rulings (Rashi).

BACKGROUND

Bloodletter – אוּמָנָא: Bloodletting was a paramedical profession. The act of bloodletting was recognized throughout history as a treatment for various illnesses and as a method for bolstering one's health. At times the bloodletter would perform minor surgeries, e.g., circumcision.

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Summary of **Perek III**

In defining the *nasi* and the anointed priest, it was stated that with regard to the sin-offering brought for absence of awareness, the verses must be followed precisely. Only a High Priest anointed with the anointing oil is liable to bring a bull as a sin-offering. The *nasi* mentioned in the Torah is the king, one who heads a large congregation of Jews and with regard to whom no other Jew is in a superior position. Consequently, there could conceivably be several Jewish kings who simultaneously fall into the category of *nasi*, provided that they are not subject to one another's authority.

There is a difference between the High Priest and the king: The High Priest maintains his lofty status and brings his unique sin-offering even if he sinned after he was no longer serving as High Priest, while the king brings his unique sin-offering only if he sinned while he was king.

The Gemara's statement that a High Priest who was not anointed is on a lower level than an anointed High Priest applies only to the sin-offering brought for his own erroneous ruling and a transgression performed on the basis of that ruling. With regard to all other mitzvot stated in the Torah concerning a High Priest, there is no difference between them. A former High Priest maintains his status with regard to all aspects of the High Priesthood, except for the fact that he does not bring the tenth of an ephah meal-offering brought by the High Priest daily and does not sacrifice the bull of Yom Kippur. The status of a priest anointed for war is like that of a High Priest with regard to all the prohibitions that apply to a High Priest, but his level of sanctity is lower, and when he dies he does not restore the unwitting murderer to his home from the city of refuge.

Apropos the definition of an anointed priest, the Gemara discussed the *halakhot* of the anointing of the priest and the king. The anointing oil prepared by Moses is especially sacred, and is used only to anoint the High Priest and kings from the house of David. A king who is the son of a king is anointed only when there is some controversy with regard to his ascendency to the throne.

The Gemara briefly discussed the differences between a High Priest and an ordinary priest. It is prohibited for a High Priest to marry a widow, in addition to the prohibition against his marrying a divorcée, which applies to an ordinary priest as well, and a High Priest is commanded to marry only a virgin. A High Priest may not become ritually impure even to bury a close relative, while an ordinary priest may become ritually impure in that case. A High Priest does not rend his garments in the manner that one typically rends his garments as an expression of mourning. A High Priest performs the Temple service as an acute mourner, on the day that one of his relatives dies, even though he may not partake of the offerings sacrificed that day.

The lofty status of the High Priest relative to the rest of the Jewish people applies

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with regard to his sanctity. In terms of deference, the deference due the king is greater than the deference due the High Priest. In terms of precedence, the principle is: With regard to rescuing individuals and the return of a lost item, one whose position in the Temple is more significant precedes one whose position in the Temple is less significant. Likewise, one whose lineage is noble precedes others, and one whose lineage is flawed is preceded by others. There are certain cases where a man precedes a woman, and others where a woman precedes a man.

On a similar note, there are different levels among the Sages, both in terms of choosing the one who is appointed to a position and in terms of the deference due to each Sage.

All these matters of precedence apply when the people in question are equals in Torah knowledge. A Torah scholar, even if his lineage is flawed, precedes all others, even a king and a High Priest.

There are several aggadic passages in this chapter. Some relate to the anointing oil, specifically, how it was prepared, who was anointed with it throughout the generations, and how it was sequestered. In addition, the Gemara related different incidents that transpired with regard to various personalities in the Bible, and events that occurred during the tannaitic and amoraic eras.

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Common **Acronyms**

Since the publication of the first volume of the *Koren Talmud Bavli* we have employed some transliterated acronyms, such as Rambam, to give the translation a more authentic flavor. These acronyms are used throughout this volume where they are well known and where the acronym helps readers easily identify the author in question. The following chart provides the full name of each author or work alongside its common acronym.

Acronym	Full Name
HaAri	Rabbi Yitzḥak Luria
Ba'al HaMaor	Rabbi Zeraḥya HaLevi
Baḥ	*Bayit Ḥadash*
Beur HaGra	Commentary of Rabbi Eliyahu of Vilna on the *Shulḥan Arukh*
Derashot Mahari Mintz	Homilies of Rabbi Yehuda Mintz
Derashot Ra'anaḥ	Homilies of Rabbi Eliyahu ben Ḥayyim
Geranat	Rabbi Naftali Trop
Gilyon Maharsha	Marginalia of Rabbi Shlomo Eiger
Gra	Rabbi Eliyahu of Vilna, the Vilna Gaon
Graḥ	Rabbi Ḥayyim Soloveitchik
Grib	Rabbi Yehuda Bakhrakh
Griz	Rabbi Yitzḥak Ze'ev Soloveitchik
Haggahot HaGra	Comments of Rabbi Eliyahu of Vilna on the Talmud
Haggahot Maharsha	Comments of Rabbi Shmuel Eliezer Eidels
Hassagot HaRa'avad	Comments of Rabbi Avraham ben David on the Rambam's *Mishne Torah*
Ḥida	Rabbi Ḥayyim David Azulai
Ḥiddushei Aggadot LaMaharal	*Ḥiddushei Aggadot* by Rabbi Yehuda Loew of Prague
Ḥiddushei Aggadot LaRashba	*Ḥiddushei Aggadot* by Rabbi Shlomo ben Adderet
Ḥiddushei HaGeranat	*Ḥiddushei* Rabbi Naftali Trop
Ḥiddushei HaGriz	*Ḥiddushei* Rabbi Yitzḥak Ze'ev Soloveitchik
Ḥiddushei HaRim	*Ḥiddushei* Rabbi Yitzḥak Meir of Gur
Ḥiddushei Ri Ḥaver	*Ḥiddushei* Rabbi Yitzḥak Isaac Ḥaver
Kitzur Piskei HaRosh	Abridged Halakhic Rulings of Rabbeinu Asher ben Rabbi Yeḥiel
Mabit	Rabbi Moshe ben Yosef di Trani
Maharal	Rabbi Yehuda Loew of Prague
Maharam Alashkar	Rabbi Moshe Alashkar
Maharam Brisk	Rabbi Mordekhai Brisk
Maharam Ḥalawa	Rabbi Moshe Ḥalawa
Maharam Lublin	Rabbi Meir of Lublin

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Acronym	Full Name
Maharam Mintz	Rabbi Moshe Mintz
Maharam of Rothenburg	Rabbi Meir of Rothenburg
Maharam Padua	Rabbi Meir of Padua
Maharam Schick	Rabbi Moshe Schick
Maharam Schiff	Rabbi Meir Schiff
Maharatz Ḥayyut	Rabbi Tzvi Hirsch Chajes
Mahari Abuhav	Rabbi Yitzḥak Abuhav
Mahari Bassan	Rabbi Yeḥiel Bassan
Mahari Beirav	Rabbi Ya'akov Beirav
Mahari ben Lev	Rabbi Yosef ben Lev
Mahari ben Malkitzedek	Rabbi Yitzḥak ben Malkitzedek
Mahari Berona	Rabbi Yisrael Berona
Mahari Kurkus	Rabbi Yosef Kurkus
Mahari Mintz	Rabbi Yehuda Mintz
Mahari Weil	Rabbi Ya'akov Weil
Mahariḥ	Rabbi Yeḥezkia ben Ya'akov of Magdeburg
Maharik	Rabbi Yosef Colon
Maharikash	Rabbi Ya'akov Castro
Maharil	Rabbi Ya'akov HaLevi Molin
Maharit	Rabbi Yosef di Trani
Maharit Algazi	Rabbi Yom Tov Algazi
Maharsha	Rabbi Shmuel Eliezer Eidels
Maharshal	Rabbi Shlomo Luria
Malbim	Rabbi Meir Leibush ben Yeḥiel Michel Wisser
Netziv	Rabbi Naftali Tzvi Yehuda Berlin
Nimmukei HaGrib	Comments of Rabbi Yehuda Bakhrakh on the Maharsha
Piskei HaRid	Halakhic Rulings of Rabbi Yeshaya di Trani the Elder
Piskei Riaz	Halakhic Rulings of Rabbi Yeshaya di Trani the Younger
Ra'ah	Rabbi Aharon HaLevi
Ra'anaḥ	Rabbi Eliyahu ben Ḥayyim
Ra'avad	Rabbi Avraham ben David
Ra'avan	Rabbi Eliezer ben Natan
Ra'avya	Rabbi Eliezer ben Yoel HaLevi
Rabbi Avraham ben HaRambam	Rabbi Avraham, son of the Rambam
Rabbi Shlomo ben Rashbatz	Rabbi Shlomo, son of Rabbi Shimon ben Tzemaḥ Duran
Radak	Rabbi David Kimḥi
Radbaz	Rabbi David ben Zimra
Ralbag	Rabbi Levi ben Gershon
Ramah	Rabbi Meir HaLevi
Rambam	Rabbi Moshe ben Maimon
Ramban	Rabbi Moshe ben Naḥman

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Acronym	Full Name
Ran	Rabbeinu Nissim ben Reuven of Gerona
Rashash	Rabbi Shmuel Strashun
Rashba	Rabbi Shlomo ben Adderet
Rashbam	Rabbi Shmuel ben Meir
Rashbatz	Rabbi Shimon ben Tzemaḥ Duran
Rashi	Rabbi Shlomo Yitzḥaki
Re'em Horowitz	Rabbi Elazar Moshe Horowitz
Rema	Rabbi Moshe Isserles
Ri HaLavan	Rabbeinu Yitzḥak ben Ya'akov of Prague
Ri Ḥaver	Rabbi Yitzḥak Isaac Ḥaver
Ri Migash	Rabbi Yosef Migash
Riaf	Rabbi Yoshiya Pinto
Riaz	Rabbi Yeshaya di Trani the Younger
Rid	Rabbi Yeshaya di Trani the Elder
Ridvaz	Rabbi Ya'akov David ben Ze'ev Wilovsky
Rif	Rabbi Yitzḥak Alfasi
Rim	Rabbi Yitzḥak Meir of Gur
Ritva	Rabbi Yom Tov ben Avraham Asevilli (of Seville)
Riva	Rabbeinu Yitzḥak ben Asher
Rivam	Rabbi Yitzḥak ben Meir
Rivan	Rabbi Yehuda bar Natan
Rivash	Rabbi Yitzḥak ben Sheshet
Rosh	Rabbeinu Asher ben Rabbi Yeḥiel
Shakh	*Siftei Kohen* by Rabbi Shabtai Cohen Rappaport
Shas	The Six Orders of the Mishna
She'elat Ya'avetz	Responsa of Rabbi Ya'akov Emden
Shela	*Shenei Luḥot HaBerit* by Rabbi Yeshaya HaLevi Horowitz
Siddur Rashi	Siddur compiled by Rashi's students
Sma	*Sefer Meirat Einayim* by Rabbi Yehoshua Falk
Smag	*Sefer Mitzvot Gadol* by Rabbi Moshe of Coucy
Smak	*Sefer Mitzvot Katan* by Rabbi Yitzḥak ben Yosef of Corbeil
Talmid HaRa'ah	A student of Rabbi Aharon HaLevi
Talmid HaRashba	A student of Rabbi Shlomo ben Adderet
Tashbetz	Responsa of Rabbi Shimon ben Tzemaḥ Duran
Taz	*Turei Zahav* by Rabbi David HaLevi
Tosefot HaRosh	*Tosefot* of Rabbeinu Asher ben Rabbi Yeḥiel
Tosefot Ri HaLavan	*Tosefot* of Rabbeinu Yitzḥak ben Ya'akov of Prague
Tosefot Rid	*Tosefot* of Rabbi Yeshaya di Trani the Elder
Tur	*Sefer HaTurim* by Rabbi Ya'akov ben Asher
Tzlaḥ	*Tziyyun LeNefesh Ḥayya* by Rabbi Yeḥezkel Landau
Ya'avetz	Rabbi Ya'akov Emden

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